

Cabinet (Special) AGENDA

DATE: Tuesday 28 May 2013

TIME: 7.30 pm

VENUE: Committee Rooms 1 & 2,
Harrow Civic Centre

MEMBERSHIP

Chairman: Councillor Thaya Idaikkadar (Leader of the Council and Portfolio Holder for Business Transformation and Communications, Finance, Performance, Customer Services and Corporate Services, Property and Major Contracts)

Portfolio Holders:

Councillor Krishna James	Adult Social Care, Health and Wellbeing
Councillor Zarina Khalid	Children, Schools and Families
Councillor Asad Omar	Deputy Leader, Community and Cultural Services, Environment and Community Safety and Housing
Councillor William Stoodley	Planning and Regeneration

Non Executive Cabinet Members (non voting):

Councillor Susan Hall	Leader of the Conservative Group
Councillor Barry Macleod-Cullinane	Deputy Leader of the Conservative Group

(Quorum 3, including the Leader and/or Deputy Leader)

Contact: Daksha Ghelani, Senior Democratic Services Officer
Tel: 020 8424 1881 E-mail: daksha.ghelani@harrow.gov.uk

AGENDA - PART I

1. DECLARATIONS OF INTEREST

To receive declarations of disclosable pecuniary or non pecuniary interests arising from business to be transacted at this meeting from:

- (a) all Members of the Cabinet; and
- (b) all other Members present.

2. PUBLIC QUESTION

To receive a public question in relation to agenda item 3 below, which had duly been submitted for consideration at 9 May Cabinet meeting.

CHILDREN AND FAMILIES

3. FUTURE ORGANISATION OF CANNON LANE FIRST SCHOOL (4-7 YEARS) AND CANNON LANE JUNIOR SCHOOL (Pages 1 - 38)

Report of the Corporate Director of Children and Families.

RESOURCES

4. SPECIAL NEEDS TRANSPORT CHANGE PROGRAMME 3 (SNT 3) - REFERRAL BY CALL-IN SUB-COMMITTEE (Pages 39 - 86)

Report of the Director of Legal and Governance Services.

AGENDA - PART II - Nil

*** DATA PROTECTION ACT NOTICE**

The Council will record items 4 and 5 (Public and Councillor Questions) to help ensure the accuracy of the published minutes, which will be produced after the meeting.

The recording will be retained for one month after the date of publication of the minutes, after which it will be destroyed.

Publication of decisions	Wednesday 29 May 2013
Deadline for Call in	5.00 pm on 5 June 2013
Decisions implemented if not Called in	6 June 2013

Date of Meeting:	28 May 2013
Subject:	Future Organisation of Cannon Lane First School (4-7 Years) and Cannon Lane Junior School
Key Decision:	Yes
Responsible Officer:	Catherine Doran, Corporate Director of Children and Families Services
Portfolio Holder:	Councillor Zarina Kalid, Portfolio Holder for Children, Schools and Families
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	Appendix A – Decision Makers Guidance Appendix B – Cannon Lane First School representation Appendix C – Cannon Lane Junior School representation Appendix D – representation from a parent

Section 1 – Summary and Recommendations

Statutory Proposals were published in March 2013 that would effect the amalgamation of Cannon Lane First School (4-7 Years) and Cannon Lane Junior School. Cabinet approval is sought to enable the two schools to combine in September 2013.

Recommendations:

Cabinet is requested to determine the statutory proposals in relation to Cannon Lane First School (4-7 Years) and Cannon Lane Junior School to enable the amalgamation of the two schools in September 2013, namely to:

- Extend the age range of Cannon Lane First School (4-7 Years) to

establish a primary school with an age range of 4 years (Reception) to 11 years (Year 6) from 1 September 2013;

- Expand the capacity of Cannon Lane First School (4-7 Years) from 1 September 2013;
- Discontinue Cannon Lane Junior School on 31 August 2013.

Reason: (For recommendation)

In line with the Council's amalgamation policy, combining the two schools would give the opportunity to further improve educational standards by enabling planning as a coherent whole across the primary phase of the national curriculum and providing greater flexibility across and between key stages. Access to the whole primary curriculum supports and informs whole school planning, assessment, pastoral systems, etc, and provides opportunities for wider staff development and experience across the full primary phase.

Section 2 – Report

Introductory paragraph

1. Harrow's vision is to provide high achieving schools at the centre of community services, and to continue improvement in schools to make education in Harrow even better. In order to further this vision, in October 2007 Cabinet agreed its strategic approach to school organisation, which included an amended amalgamation policy that was further clarified by Cabinet in 2008.

Options considered

2. Cabinet have the following options when considering these proposals:
 - a. Reject the proposals;
 - b. Approve the proposals;
 - c. Approve the proposals with modification e.g. in relation to the implementation date;
 - d. Approve the proposals subject to meeting a separate condition.
3. There are separate proposals for the two schools, however these are linked and the proposals should be considered together.

Background

2. The Headteacher of Cannon Lane Junior School will retire at the end of this academic year in August 2013. During the Autumn Term 2012, the governing bodies of the two schools commenced the process to amalgamate the two schools in accordance with the Council's amalgamation policy. The amalgamation policy requires separate infant/first and junior schools to

amalgamate when one or more of the triggering circumstances arise unless there are compelling and over-riding reasons not to. A headteacher vacancy in either or both schools is one of the triggering circumstances.

3. There are two key stages to the processes leading to a decision to amalgamate two schools:
 - Statutory consultation. The amalgamation policy requests the governing bodies of the schools make written recommendations following the consultation period.
 - Publication of statutory proposals, which is followed by a 6 week representation period.

Statutory Consultation

4. The statutory consultation was held from Monday 14 January 2013 until Friday 8 February 2013. This consultation met the requirements of the Department for Education School Organisation and Competitions Unit guidance on closing, expanding and making changes to schools. Two thirds of the written responses received from adults support combining the two schools (73% of parental responses were in support). The outcomes of the statutory consultation are reported under 'Other issues' in Appendix A.
4. The recommendations of the Governing Bodies following the statutory consultation were:
 - Cannon Lane First School (4-7 Years) Governing Body considers it is in the best interests of the children that both schools should amalgamate.
 - Cannon Lane Junior School Governing Body recommends that the schools stay separate and believes there are compelling and over-riding educational reasons for the schools to remain separate.
5. The Joint Steering Group established by the two governing bodies to plan the consultation of the school communities agreed a timeline for the statutory processes to achieve final decision by May 2013. In order to achieve this timescale, a Portfolio Holder decision was made on 28 February 2013 to publish statutory proposals. In making this decision, the Portfolio Holder considered the outcome of the statutory consultation and the recommendations of the two governing bodies.
6. The statutory proposals that were published were to extend the age range and capacity of the first school and to discontinue the junior school. In accordance with usual practice in implementing the policy, the junior school is proposed to be legally discontinued because there will be no substantive headteacher in post at that school.

Statutory proposals

7. Linked statutory proposals were published on 7 March 2013 with a statutory representation period of 6 weeks that, if approved, would effect the amalgamation of Cannon Lane First School (4-7 Years) and Cannon Lane Junior School to provide an all through primary school:
 - a. A prescribed alteration to extend the age range of Cannon Lane First School (4-7 Years) to establish a primary school with an age range of 4 years (Reception) to 11 years (Year 6) from 1 September 2013;
 - b. A prescribed alteration to expand the capacity of Cannon Lane First School (4-7 Years) from 1 September 2013;

- c. A notice to discontinue Cannon Lane Junior School on 31 August 2013.

Representations made to the published statutory proposals

8. The local authority received three representations during the representation period from:

- an individual who feels that the two schools should not be combined;
- the Governing Body of Cannon Lane Junior School who consider that combining the schools is not in the best interest of the children at Cannon Lane Junior School.
- The Governing Body of Cannon Lane First School who confirm their view that the two schools should combine.

These representations are appended in full to this report. The reasons set out for these views are summarised in Appendix A under 'Other issues' together with officer comment.

Determination of statutory proposals

9. In its role as the Decision Maker, Cabinet must have regard to the statutory and non-statutory guidance, provided by the Department for Education, when determining statutory proposals. The guidance on expanding a maintained school by enlargement, making changes to a maintained mainstream school, closing a maintained mainstream school and giving children and young people a say have been provided to all Cabinet Members, and are available as background papers. Appendix A provides Cabinet with commentary on the salient points contained in the Decision Makers' Guidance.

Recommendation

10. The Corporate Director of Children and Families Services recommends that Cabinet approve the proposals to effect the amalgamation of the two schools with effect from 1 September 2013. The reasons for this recommendation include the following.
11. Cannon Lane First School (4-7 Years) Governing Body considers it is in the best interests of the children that both schools should amalgamate. Amalgamation would produce an enhanced learning environment for all children in both schools for reasons that include: children would experience the same ethos and programs of study throughout KS1 and 2; sharing of 'best practice' from both schools, and; a strong school with excellent strategic leadership is in the best interests of the community it serves.
12. The recommendation of the Cannon Lane Junior School Governing Body that the schools should remain separate is noted. Full reasons were provided in the governing body's response and are summarised under 'Other issues' in Appendix A together with officer comment. However, it is considered that the reasons given do not constitute compelling and overriding reasons not to combine the two schools, and they could be fully considered and addressed through detailed implementation planning should Cabinet decide the schools will combine.
13. The representation from an individual who feels that the two schools should not be combined is noted. However it is considered the reasons stated include positive points about current provision at the school that can be retained and built upon in a combined school and the reasons do not represent compelling and overriding reasons not to combine the two schools.

14. In line with the Council's amalgamation policy, combining the two schools would give the opportunity to further improve educational standards by enabling planning as a coherent whole across the primary phase of the national curriculum and providing greater flexibility across and between key stages. Access to the whole primary curriculum supports and informs whole school planning, assessment, pastoral systems, etc, and provides opportunities for wider staff development and experience across the full primary phase.

Legal Implications

15. The Local Authority has a statutory entitlement under Sections 15 and 19 of the Education and Inspections Act 2006, to issue statutory proposals in respect of school reorganisation. The statutory proposals were published on 7 March 2013 following the decision made by the Portfolio Holder on 28 February 2013. Cabinet must determine the proposals within two months of the representation period, which ended on 18 April 2013, or the matter is referred to the Office of the Schools Adjudicator for determination. Cabinet must have regard to the Secretary of State's guidance when reaching its decision, and should consider the representations received during the course of the publication period when making their decision.
16. The Decision Makers Guidance states that whilst each case should be considered on its merits, there is a presumption in favour of approval for infant/junior school amalgamations.

Financial Implications

17. The governing body and leadership team of a combined school would have to plan strategically in a cost effective manner in the best interests of the children in order to achieve positive outcomes for the children in the long term.
18. The Government has introduced significant changes to school funding and is moving towards a national funding formula. Under the Government's new funding formula the combining of two schools would result in the loss of one element of 'lump sum' funding allocated to schools. In 2013/14 the lump sum amount is £142,230. This money would be retained in that financial year if the schools combine, though currently regulations specify that one lump sum would be lost in 2014/15 and for each year going forward if lump sum funding is retained by the Government. There has been a Department for Education (DfE) consultation with regards to the lump sum and school amalgamations and the government is currently reviewing this with regards to any changes in the 2014/15 school funding. The outcome from this consultation will be known later in the year. Current arrangements are that, if the schools were to remain as separate schools, each school would retain its 'lump sum' funding. Though this is a significant issue it may be considered that it would only put the combined school in the same position as existing all-through primary schools. There will be reductions in expenditure through having one headteacher post and the governing body of the combined school could make decisions that would achieve efficiencies. No other elements of the school budgets would change.

Performance Issues

19. Harrow is a high performing Local Authority and the large majority of local services are judged to be good or better by Ofsted. Schools in Harrow perform well in comparison to national and statistically similar local authorities. The vast

majority of primary schools and secondary schools are judged good or outstanding. Cannon Lane First School (4-7 Years) achieved an “outstanding” judgement at its Ofsted inspection in September 2008. Cannon Lane Junior School achieved a “good” judgement at its Ofsted inspection in July 2009.

20. The Schools White Paper and Education Act 2011 maintain a focus on driving up standards in schools, and place more of the responsibility with the schools directly for their improvement. The role of the Local Authority in measuring performance and driving improvement has changed significantly and is reduced from its previous level. However, the Local Authority maintains a strategic oversight and enabling role in local education, and is likely to retain some role in monitoring educational achievement and key measures such as exclusions and absence. The Local Authority is also statutorily responsible for supporting and improving underperforming schools.
21. The Local Authority continues to monitor key education indicators. The indicators are used locally to monitor, improve and support education at both school and local authority level; they are also used within information provided to the DfE.

The indicators fall within the following areas:

Attendance and exclusions - remain a statutory duty for the Local Authority to monitor and improve;

Narrowing the Gap - is a fundamental part of Ofsted’s school inspection process, and accordingly the Local Authority monitors the attainment of identified groups of pupils in its schools, for example SEN children;

Underperforming schools – schools are assessed at Key Stage 2 & Key Stage 4 against defined floor standards.

Environmental Impact

22. There is no significant environmental impact arising from these proposals.

Risk Management Implications

23. A summary of high level risks is provided below.

High Level Risks	Consequences	Mitigating/Control Actions
Challenge to decision making.	Delay.	The decision maker must have due regard to the Secretary of State’s guidance for decision makers in reaching its decisions on school reorganisation proposals.
Clarification of the Council’s Amalgamation Policy.	Confusion for stakeholders.	In response to issues raised by the DCSF in regard to the amalgamation policy, and a corporate complaint investigation relating to a school involved in a school reorganisation process, Cabinet agreed a clarified policy at its October 2008 meeting. This clarification does not change the policy requirements.

Equalities implications

24. The equality impact assessment indicates that the equalities impact of Cabinet's decision will be effectively neutral. No children would be displaced if the schools amalgamate or if they stay separate. Harrow's community schools are inclusive schools and this would continue in a combined school. The proposal is intended to build on the many positives already in place at the schools. In an all through school, there may be benefits for pupils with special educational needs in that amalgamation might help to alleviate issues of transition as it could provide continuous support for pupils and a common set of school rules and processes.

Corporate Priorities

25. The proposed amalgamation of the two Cannon Lane schools will support the Council's Corporate Priorities:

- United and involved communities: A Council that listens and leads;
- Supporting and protecting people who are most in need;

by providing opportunities to enhance educational standards and to further promote positive community outcomes by ensuring the most effective and coordinated extended services support to families and children, and the use of school facilities.

Section 3 - Statutory Officer Clearance

Name: Patricia Harvey	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 10 April 2013		
Name: Matthew Adams	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 15 April 2013		

Section 4 – Performance Officer Clearance

Name: David Harrington	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Strategic Commissioning
Date: 12 April 2013		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker



on behalf of the
Divisional Director
(Environmental Services)

Date: 10 April 2013

Section 6 - Contact Details and Background Papers

Contact: Chris Melly, Senior Professional, Education Strategy and School Organisation 020 8420 9270 chris.melly@harrow.gov.uk

Background Papers:

Portfolio Holder decision report 28 February 2013 - Future Organisation of Cannon Lane First School (4-7 Years) and Cannon Lane Junior School. Portfolio Holder Report

<http://www.harrow.gov.uk/www2/documents/s104784/PHD%20report%20Cannon%20Lane%20schools.pdf>

Portfolio Holder Decision

<http://www.harrow.gov.uk/www2/documents/s104787/Decision%20Notice%20-%20Cannon%20Lane%20First%20and%20Junior%20Schools.pdf>

Department for Education School Organisation and Competitions Unit guidance for decision makers

<http://www.education.gov.uk/schools/leadership/schoolorganisation>

Equality Impact Assessment

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE

[Call-in applies]

Future Organisation of Cannon Lane First School (4-7 Years) and Cannon Lane Junior School

Decision Makers Guidance

The decision maker for these statutory proposals is the local authority, and this report presents the proposals to Cabinet for determination. If the local authority fails to decide proposals within two months of the end of the representation period the local authority must forward proposals, and any received representations, to the Office of the Schools Adjudicator for decision. This two month period will end on 18 June 2013.

Decision Makers are required to have regard to guidance issued by the Secretary of State when they take a decision on proposals. The guidance documents are available on the School Organisation and Competitions Unit website at <http://www.education.gov.uk/schools/leadership/schoolorganisation> and in Background Papers.

The format of this Appendix follows the framework of the guidance. The text in italics at the start of each section contains extracts from the guidance to assist members to understand the context.

Compliance with statutory requirements

There are 4 key issues which the Decision Maker should consider before judging the respective factors and merits of the statutory proposals:

1. Is any information missing?

If so, the Decision Maker should write immediately to the proposer/promoter specifying a date by which the information should be provided.

In order to make the nature of the proposals explicit and clear for all stakeholders, the notices and the complete proposals stated as full information as possible. It is considered that all necessary information was provided and made available for stakeholders and interested parties to see.

2. Does the published notice comply with statutory requirements?

The Decision Maker should consider whether the notice is valid as soon as a copy is received. Where a published notice does not comply with statutory requirements it may be judged invalid and the Decision Maker should consider whether they can decide the proposals.

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- a. A prescribed alteration to extend the age range of Cannon Lane First School (4-7 Years) to establish a primary school with an age range of 4 years (Reception) to 11 years (Year 6) from 1 September 2013;
- b. A prescribed alteration to expand the capacity of Cannon Lane First School (4-7 Years) from 1 September 2013;
- c. A notice to discontinue Cannon Lane Junior School on 31 August 2013.

The statutory proposals had the same closing date of 18 April 2013 for the representation periods.

3. Has the statutory consultation been carried out prior to the publication of the notice?

Details of the consultation must be included in the proposals. The Decision Maker should be satisfied that the consultation meets statutory requirements. If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not yet been met, the Decision Maker may judge the proposals to be invalid and needs to consider whether they can decide the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.

A statutory consultation was held from Monday 14 January 2013 until Friday 8 February 2013. All applicable statutory requirements have been complied with in relation to the consultation on the proposals. The local authority has had regard to the Department for Education School Organisation and Competitions Unit guidance and the consultation document was sent to all interested parties in accordance with the guidance.

The consultation responses and outcomes (see 'Other issues' below) were reported to the Portfolio Holder for the decision made on 28 February 2013 to publish statutory proposals.

4. Are the proposals linked or “related” to other published proposals?

Any proposals that are “related” to particular proposals must be considered together. Generally, proposals should be regarded as “related” if they are included on the same notice (unless the notice makes it clear that the proposals are not “related”). Proposals should be regarded as “related” if the notice makes a reference to a link to other proposals (published under School Organisation and Trust regulations). If the statutory notices do not confirm a link, but it is clear that a decision on one of the proposals would be likely to directly affect the outcome or consideration of the other, the proposals should be regarded as “related”. Where proposals are “related”, the decisions should be compatible e.g. if one set of proposals is for the removal of provision, and another is for the establishment or enlargement of provision for displaced pupils, both should be approved or rejected.

Linked statutory proposals were published on 7 March 2013 that could effect the amalgamation of Cannon Lane First School (4-7 Years) and Cannon Lane Junior School to provide an all through primary school (see key issue 2 above).

Factors to be considered by decision makers

The factors contained in the Secretary of State’s guidance should not be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals should be considered on their individual merits.

The sections that follow contain information to assist Cabinet to determine how the proposals meet the factors the decision maker must have regard to in reaching a decision. Not all of the factors contained in the decision makers guidance are relevant to these proposals. For example: the proposals do not make changes to early years provision or nursery schools; there are no issues of poor performance; there are no post-16 implications; there is no change to school category; and there is no special educational needs reorganisation. The effect of the proposals is to establish an all through primary school, by amalgamating the two separate schools on the existing school site, that will be the same overall size and character, offering places to the existing pupils and serving the same area. The following sections, therefore, focus on relevant factors of the guidance.

A system shaped by parents

The Government's aim is to create a schools system shaped by parents which delivers excellence and equity. The Education and Inspections Act 2006 amends the Education Act 1996 to place duties on local authorities to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, local authorities are under a specific duty to respond to representations from parents about the provision of schools, including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is shaped by parents. The Decision Maker should take into account the extent to which the proposals are consistent with the new duties on local authorities.

Parents have shaped Harrow's schools system, and almost three quarters of the parents that gave written responses to the consultation were in favour of these proposals.

Strategic Approach to School Organisation

In 2002, the council undertook a debate on School Organisation in Harrow, the outcome of which was a consensus from stakeholders on three issues: to increase opportunities for early years; to increase choices and opportunities at post-16 including provision on school sites; and to change the age of transfer. The council has secured the provision for early years and post-16, and implemented changes to the ages of transfer in September 2010.

In October 2007, Cabinet agreed its strategic approach to school organisation and agreed a revised amalgamation policy. The council's amalgamation policy contributes to maintaining and improving the educational performance of Harrow schools and their pupils. In October 2008 Cabinet agreed a clarified amalgamation policy and implementation guidance.

Cannon Lane schools proposals

Parents and stakeholders have had the opportunity to contribute and shape the proposals for the Cannon Lane schools.

The statutory consultation was held from Monday 14 January 2013 until Friday 8 February 2013. The consultation paper was sent to all parents, members of staff and governors on 14 January 2013. Three open consultation meetings for parents, staff and governors of both schools were held, one on 21 January and two on 29 January 2013, to enable discussion. The proposal evaluation document was made available from the school offices and Harrow Council website, and was available at the parents meetings. Information about the responses to this consultation is given under 'Other issues' later in this Appendix.

The local authority received three representations from a parent during the representation period which ended on 18 April 2013. See 'Other issues' below.

Standards

The Government wishes to encourage changes to local school provision where it will boost standards and opportunities for young people, whilst matching school place supply as closely as possible to pupils' and parents' needs and wishes. Decision Makers should be satisfied that proposals for prescribed alterations will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

The council's amalgamation policy identifies a number of educational benefits arising from the creation of all through primary schools:

- Organisational structure is aligned with the National Curriculum Key Stages. Planning across Foundation, Key Stages 1 and 2 as a coherent whole for the primary phase provides greater flexibility across and between Key Stages.
- Reducing the number of changes for children in a school system strengthens continuity and progression for children and families in the primary phase, both in terms of the curriculum and pastoral experience. This reduction in the number of school moves is important, particularly for children with special educational needs.
- Greater opportunities are created for older children to take on responsibility. For younger children the presence of older children provides aspirational role models and also mentoring support.
- Teachers and classroom staff have access to the whole primary curriculum. This supports and informs whole school planning, assessment, pastoral systems, etc, and provides opportunities for wider staff development and experience across the full primary phase.
- Growing national evidence shows that all-through primary schools create more consistency between year groups and key stages in learning planning and assessment.

“Where primary education is provided in separate key stages, there is generally very little effective curriculum continuity and progression. In such situations the scope for discontinuity of learning is increased, together with the attendant, wasteful, repetitive teaching of subject content and learning experiences in the receiving key stage.” *Educational Management Information Exchange*

Harrow Schools are high performing and overall the local authority is above National Averages and above or in line with statistical neighbours. Harrow strives for continuous improvement and has set challenging targets for achievement. These proposals to create a combined school would contribute to improving standards by building on many aspects of the existing good practice in both schools.

The proposed all through Cannon Lane School would be a combined three-form entry school. All schools have their own distinct ethos and identity and relationship with their local community. These proposals would continue and develop further the existing good practices of these separate schools as a combined school.

Diversity

The Government's aim is to transform our school system so that every child receives an excellent education – whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school has a strong ethos and sense of mission and acts as a centre of excellence or specialist provision. Decision Makers should consider how proposals will contribute to local diversity. They should consider the range of schools in the relevant area of the local authority and whether the alteration to the school will meet the aspirations of parents, help raise local standards and narrow attainment gaps.

Schools in Harrow offer diversity to parents both in terms of ethos and size. Harrow has a Church of England primary school, a Hindu primary school and a Jewish primary school, six Roman Catholic primary schools and two Roman Catholic high schools. There is an all-through Hindu free school located in Harrow on a temporary basis. There are a range of sizes of schools in Harrow including one, two and three forms of entry combined schools, and two and three forms of entry separate infant and junior schools. There will be some four forms of entry separate infant and junior schools from September 2013 expanded as part of the primary school expansion programme. Increased self-governance is promoted within a collaborative whole-borough framework, for example through partnerships and soft and hard federations.

Harrow schools are popular and successful, but the profile of Harrow's population is changing and, to meet challenging targets to continue this status, schools need to evolve and innovate. The local authority is committed to developing a positive and proactive approach to: encourage greater self-governance in order to extend choice, diversity and fair access; raise standards as part of the transformation of education expected from investments; listening to parents and acting to promote diversity of school provision where this is appropriate.

A combined school would contribute to diversity by its model of governance and that its new organisation is aligned with parental aspirations.

Every Child Matters

The Decision Maker should consider how proposals will help every child and young person achieve their potential in accordance with Every Child Matters' principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. This should include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and vocational training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

All schools offer extended services, and wrap around care, support for families and a wide range of opportunities are developed in all schools. These extended services also support the Narrowing the Gap agenda, and these proposals would provide opportunities to support these agendas.

An all through school would ensure the most effective and coordinated extended services support to families and children, and the use of school facilities. As a result of these proposals it is considered that it would be possible to build on the established best practice of both schools to promote access to extended services.

Equal opportunity issues

The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example, that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

These proposals do not make changes to equal access to school provision. The equality impact assessment indicates that the equalities impact of Cabinet's decision will be effectively neutral. No children would be displaced if the schools amalgamate or if they stay separate.

Need for places

Where proposals will increase provision, the Decision Maker should consider whether there is a need for the expansion and should consider the evidence presented for the expansion such as planned housing development or demand for provision. The Decision Maker should take into account not only the existence of spare capacity in neighbouring schools, but also the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for places in the school proposed for expansion. The existence of surplus capacity in neighbouring less popular or successful schools should not in itself prevent the addition of new places.

These statutory proposals do not lead to the creation of additional places or to the loss of any places. The overall effect of the linked proposals is to create an all through school with the same number of places as the existing schools. No pupils would be displaced by the proposals.

To inform the management of school places, the local authority commissions pupil population projections for Harrow and monitors the pupil numbers in its schools. For the purposes of school place planning the Borough is divided into Planning Areas. Harrow Council manages the supply of places across the Borough and within Planning Areas, and proposals are brought forward to increase or reduce the supply of places accordingly. Harrow considers a range of options to manage the supply of school places, including temporary expansion, bulge year groups, and permanent expansion. Harrow has a primary school expansion programme and the first phase of primary school expansions from September 2013 has been approved by Cabinet. In November 2012, Cabinet agreed to bring forward statutory processes for a second phase of permanent expansions and work is being progressed to identify the schools that will be proposed for expansion.

The population projections indicate a growth in pupil numbers for Harrow that peaks in the primary sector around 2019. The Cannon Lane schools are located in the North West Primary Planning Area. The range of increased demand above current available permanent places in the North West Primary Planning Area is currently projected to be between an additional 70 and 97 pupils per year. The proposal for this planning area is to increase the permanent provision by 90 places, supplemented by temporary additional Reception classes. The local authority is currently considering how all schools in the area may contribute to meeting this demand.

Travel and Accessibility for All

In considering proposals for the reorganisation of schools, Decision Makers should satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes should not adversely impact on disadvantaged groups. In deciding statutory proposals, the Decision Maker should bear in mind that proposals should not have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. Proposals should also be considered on the basis of how they will support and contribute to the local authority's duty to promote the use of sustainable travel and transport to school.

As there are no proposals to change the overall size of the school or to change the site, these proposals would not affect journey times or lead to increased transport costs.

The combined school would build on the existing community use and extended school activities. Potential use of the school site by the community could be enhanced by the ability to plan for one school rather than two separate schools.

School category changes

No changes to school categories (e.g. no changes to become voluntary aided, foundation body, trust or academy) arise from these proposals.

Funding and land

The Decision Maker should be satisfied that any land, premises or capital required to implement the proposals will be available. Normally, this will be some form of written confirmation from the source of funding on which the promoters rely (e.g. the local authority, or Department for Education). In the case of a local authority, this should be from an authorised person within the local authority, and provide detailed information on the funding, provision of land and premises etc. Proposals should not be approved conditionally upon funding being made available, except for proposals being funded under the Private Finance Initiative or through the Building Schools for the Future programme.

The statutory proposals are not dependent on capital funding being available. If an all through school is established, a long-term strategy for the school site as a combined school would be required. The governing body and leadership team of a combined school would have to plan strategically in a cost effective manner in the best interests of the children in order to achieve positive outcomes for the children in the long term.

The Government has introduced significant changes to school funding and is moving towards a national funding formula. Under the Government's new funding formula the combining of two schools would result in the loss of one element of 'lump sum' funding allocated to schools. In 2013/14 the lump sum amount is £142,230. This money would be retained in that financial year if the schools combine, though current regulations specify that one lump sum would be lost in 2014/15 and for each year going forward if lump sum funding is retained by the Government. There has been a Department for Education (DfE) consultation with regards to the lump sum and school amalgamations and the government is currently reviewing this with regards to any changes for the 2014/15 school funding. The outcome from this consultation will be known later in the year. Current regulations specify that, if the schools were to remain as separate schools, each school would retain its 'lump sum' funding. Though this is a significant issue it may be considered that it would only put the combined school in the same position as existing all-through primary schools. There will be reductions in expenditure through having one headteacher post and the governing body of the combined school could make decisions that would achieve efficiencies. No other elements of the school budgets would change.

There are no capital receipts, new sites or playing fields, or land tenure arrangements arising from these proposals.

Special educational needs (SEN) provision

SEN provision, in the context of School Organisation legislation and the guidance, is provision recognised by the LA as specifically reserved for pupils with special educational needs. When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change local authorities should aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability.

These statutory proposals do not involve a review of special educational needs provision, and the Special Educational Needs Improvement Test does not apply.

The two schools provide support for pupils with special educational needs for whom a mainstream school is appropriate and there are no proposals for this to be changed as a combined school. All pupils attending the schools would transfer to the all through school.

In an all through school, there may be benefits for pupils with special educational needs. There would be continuity in planning and support across all key stages. In addition, there could be greater consistency in the organisation and management of the schools, for example, behaviour policies, school rules, etc.

Other issues

The decision maker should consider the views of all those affected by the proposals or who have an interest in them. This includes statutory objections and comments submitted during the representation period. The decision maker should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the decision maker should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

The local authority received three representations during the representation period:

- a parent who feels that the two schools should not be combined;
- The Governing Body of Cannon Lane First School who confirm their view that the two schools should combine.
- the Governing Body of Cannon Lane Junior School who consider that combining the schools is not in the best interest of the children at Cannon Lane Junior School.

These representations are appended in full to this report. The reasons set out for these views are summarised below together with officer comment.

1. Parental representation

The parental representation is from an individual who feels that the two schools should not be combined and that it is beneficial for the schools to stay separate. The representation sets out reasons for this view that include: the First School provides an excellent start to the children's education in a safe and caring environment; the Junior School do a brilliant job of building the children's confidence in themselves and giving them more responsibility; both schools have their own identity which should be kept separate; concern that the numbers of children in the schools will increase affecting the school and the surrounding area.

Officer comment. It is considered the reasons stated include positive points about current provision at the school that can be retained and built upon in a combined school and the reasons do not represent compelling and overriding reasons not to combine the two schools. Increased demand for school places across London means that traditional views about the size of schools will be challenged.

2. Governing Body of Cannon Lane First School (4-7 Years)

Cannon Lane First School (4-7 Years) Governing Body considers it is in the best interests of the children that both schools should amalgamate for the following reasons:

- Transition between Years 2/3 (KS1/2) would be less stressful for children as they would no longer have to adapt to a 'different' school, causing less disruption and anxiety.
- Consistency in terms of leadership, expectation, teaching practice and standards would mean children experience the same ethos and programs of study throughout KS1 and 2.
- Staff would be able to transfer and teach across the curriculum stages and this would enhance CPD as well as enabling the sharing of 'best practice' from both schools, (as an example CLFS have just been awarded Flagship status for Inclusion). Also the potential opportunity for succession planning would be improved.

- The evidence from schools in the borough that have previously amalgamated, has on the whole impacted positively on the teaching and learning in those schools, improving outcomes for children.
- We believe that a strong school with excellent strategic leadership is in the best interests of the community it serves and we are committed to meeting the needs of our children and exploiting their full potential.

Officer comment. The reasons given by the Cannon Lane First School (4-7 Years) Governing Body for recommending amalgamation are in line with the educational rationale contained in the Council's Amalgamation Policy and are supported.

3. Governing Body of Cannon Lane Junior School

Cannon Lane Junior School Governing Body recommends that the schools stay separate. The Governing Body sets out its representations under four headings and attaches the detailed response it made to the statutory consultation. Officer comment is made to the representations below using the headings in the representations. The Governing Body's consultation response is then summarised and officer comment is made using the headings in the Governing Body's response letter.

Officer comment to the representations.

Procedure. When applying the Council's Amalgamation Policy the intention is that the processes are transparent and every effort is made to ensure this is so. The full version of the Cannon Lane Junior School Governing Body recommendation and consultation response document was provided to the Portfolio Holder for the decision about whether to publish statutory proposals. The Governing Bodies' recommendations and representations are included in full in this report for the key decision that Cabinet will make and these Cabinet papers are public.

The statutory proposals are completed using the Department for Education templates as set out in regulations and provide information as specified. Practice in Harrow has been to provide information in statutory proposals in the manner completed in the templates for the Cannon Lane schools. The section in the template about evidence of consultation specifies public consultation meetings and views of persons consulted and this is the focus of the information that is provided in the documentation.

Governing Body. The views of governing bodies are requested whenever the Council's Amalgamation Policy is applied. This reflects the importance given to the views of governing bodies and the value given to the contribution governors make to the high standards in Harrow schools.

Impact of children. The implications of the Government's new funding formula, resulting in the loss of a lump sum of £142,230 in financial year 2014/15 and annually thereafter if the position remains unchanged, was fully recognised in the consultation documentation and discussed at open meetings. Further comment is given below under 'Financial implications'.

School Size. The consultation and statutory proposals stated that any additional pupils admitted under the Primary School Expansion Programme would be decided separately from these proposals. Information was provided about the increased demand and the need to increase the permanent provision in the area, supplemented by temporary additional Reception classes. The statutory proposals stated that other schools in the North West and South West Primary Planning Areas are being considered for permanent expansion, and there are no current proposals to expand the Cannon Lane schools.

On 1 March 2013, as the statutory proposals were about to be published, the Government launched the Targeted Basic Need Programme and invited applications from local authorities for this additional funding of nearly £1 billion over the next two years. A letter was sent to all schools in Harrow and this was followed up by letters to specific schools that fit the criteria for the applications which includes the Cannon Lane schools. The Government requires applications to be submitted to a very tight timescale by 30 April 2013. The Government

criteria for this fund includes schools judged as Good or Outstanding, that are oversubscribed and are in areas of high demand. The Cannon Lane schools fit this criteria and, given the increasing local demand for places and the need to secure capital funding to provide the necessary high quality additional school places that will be required, this is considered to be a one-off opportunity that schools and the local authority cannot afford to miss in the interests of the children in the borough. At this stage there is no formal agreement to taking forward permanent expansion, and all due statutory processes of consultation and publication of proposals would be followed before decisions would be made about whether or not expansion should occur.

Cannon Lane Junior School Governing Body response to the statutory consultation

The governing body believes there are compelling and over-riding educational reasons for the schools to remain separate. The reasoning of the governors is set out under 10 headings and details their considerations. Much of their case points out the high quality of the attainments of the children and the provision at the Junior School and their concerns about these being jeopardised in the medium and potentially long-term as a result of amalgamation. Key points of their concerns include:

- The size of a combined school including the impact on personal relationships with the headteacher and loss of 'community feel' of the schools;
- retaining the £142k lump sum means more money is available to meet the needs of the children;
- risk that staff would leave (Junior School staff do not wish the schools to combine);
- turbulence generated by amalgamation could impact upon attainment and achievement at the school in the short / medium / long term;
- the Headteacher would become a more remote leader. No reason to change a very successful leadership structure;
- transition arrangements for pupils are highly successful;
- whole school assemblies are a critical element of the ethos and success of the Junior School;
- no funding allocated for building alterations;
- Junior School pupils wish the schools to remain separate;
- while recognising the Council's amalgamation policy, the changing educational landscape means the GB should be given the opportunity to make the decision about how the school is taken forward.

Officer comment on the Cannon Lane Junior School Governing Body response to the consultation

Officer comment is given below using the headings in the Governing Body response letter. It is judged that the issues raised would be addressed in the implementation action plan if the schools combine.

Size of the school

Combining two existing schools does not change the numbers of pupils and physical size of the school. Age appropriate curriculum and other arrangements would continue. Changes in staffing structures and management arrangements would occur over time and there would be sensitivity about the quality of relationships between the headteacher, staff, pupils and parents.

Financial implications

The implications of the Government's new funding formula, resulting in the loss of a lump sum of £142,230 in financial year 2014/15 and annually thereafter if the position remains unchanged, was fully recognised in the consultation documentation and discussed at open meetings.

Governing bodies are used to planning strategically and cost effectively within funding envelopes and efficiencies may be achieved across a combined school. If the schools amalgamate in September 2013 there would be time to plan and there would be no claw back of any element of the lump sum during this financial year. There has been a Department for Education (DfE) consultation with regards to the lump sum and school amalgamations and the government is currently reviewing this with regards to any changes in the 2014/15 school funding. The outcome from this consultation will be known later in the year.

Staffing

The Junior School Governing Body rightly recognises the commitment and expertise of the current staff and the positive outcomes achieved for the children. Combining two schools does not jeopardise this and a combined school will want to maintain and build on successful outcomes for the children. While it is recognised that change can bring uncertainties for staff and that some staffing restructure is likely for the running of the combined school, there is also the potential for enhanced opportunities for staff experience and development that may assist staff retention and recruitment. Any staff restructuring would be planned across the combined school and would be implemented in accordance with the Council's Protocol for Managing Organisational Change.

Attainment

The Proposal Evaluation document published for the consultation stated that the educational rationale set out in support of the amalgamation policy does not imply any criticism of the current arrangements at the two Cannon Lane schools. The intention would be to build on the many positives already in place at the schools and the organisational arrangements of a combined school would be planned in order to achieve this.

Leadership

It is acknowledged that leadership arrangements would change because there would be one headteacher for the combined school. However, appropriate management and communication structures in a combined school can help to ensure that effective leadership and relationships are in place.

Transition

The Proposal Evaluation document published for the consultation stated that the educational rationale set out in support of the amalgamation policy does not imply any criticism of the current arrangements at the two Cannon Lane schools. However good the transition arrangements between schools, amalgamation removes this issue.

Premises

Harrow Council is committed to supporting schools that amalgamate, as evidenced by capital works where appropriate to facilitate functioning as a combined school. The priority for schools capital spend has to be ensuring there are sufficient places for children in Harrow's schools, though every effort will be made to support essential premises development that may be identified. Cuts in public finances and delays in government announcements of schools capital funding has not been helpful for budget planning.

Opportunities for children

The Proposal Evaluation document published for the consultation stated that the educational rationale set out in support of the amalgamation policy does not imply any criticism of the current arrangements at the two Cannon Lane schools. An amalgamated school offers more opportunities for children across the artificial barrier of two separate schools.

Consultation responses

Summary information about the consultation responses is set out above for Cabinet to consider along with themes identified by Joint Steering Group members.

Current Educational Landscape

The Junior School Governing Body acknowledges that the Council's amalgamation policy has been followed. The Government reforms that are changing the educational landscape are recognised and are being considered by the local authority in discussion with schools. The governing body of a combined school would be able to consider the future direction of the school in the light of these changes more effectively than the governing bodies of two separate schools on the same site.

Summary outcome of the statutory consultation

The statutory consultation was held from Monday 14 January 2013 until Friday 8 February 2013. On 14 January 2013, Harrow Council sent the consultation paper to interested parties in accordance with the Department for Education School Organisation and Competitions Unit guidance. Information about the amalgamation policy, the consultation paper and proposal evaluation were also made available on the Harrow Council website. The two schools distributed the consultation paper and response form to all parents, members of staff and governors. Three open consultation meetings for parents, staff and governors of both schools were held, one on 21 January and two on 29 January 2013, to enable discussion.

Cannon Lane First School (4-7 Years) received 52 written responses to the consultation from parents and staff and other interested stakeholders:

	I support amalgamation	I want the schools to stay separate	I am not sure	Total
First School parent	19	3	1	23
Junior School parent	4	0	0	4
Parent in both schools	17	1	0	18
Member of staff in First School	6	1	0	7
Member of staff in Junior School	0	0	0	0
Other interested stakeholder:	0	0	0	0
Total	46	5	1	52
%	88.5%	9.6%	1.9%	100%

Cannon Lane Junior School received 101 written responses to the consultation from parents and staff:

	I support amalgamation	I want the schools to stay separate	I am not sure	Total
First School parent	3	1	2	6
Junior School parent	31	17	4	52
Parent in both schools	18	4	0	22
Member of staff in First School	2	0	0	2
Member of staff in Junior School	1	15	2	18
Other interested stakeholder:	0	1	0	1
Total	55	38	8	101
%	54.5%	37.6%	7.9%	100%

Cannon Lane Junior School received 335 written responses to the consultation from pupils:

Junior School Pupils	I support amalgamation	I want the schools to stay separate	I am not sure	Total
Total	137	171	27	335
%	40.9%	51.0%	8.1%	100%

All the completed response forms received from adult respondents were considered by Joint Steering Group members, and key themes were identified by the group to assist the Governing Bodies with their considerations. These themes are listed below in relation to the three consultation questions.

I support combining the two schools

- Personalities – confidence in the First School Headteacher to lead a combined school
- Transitions and continuity
- Consistency across one school
- One strategy and communication across the primary phase

I want the schools to stay separate

- Size of the school would be too big
- Impact on staff, including non-teaching staff
- Separate schools work well and provide good services – why change?
- Financial concern at loss of £142k lump sum

I am not sure

- Concern at the size of the school – too big
- Concern about staff structure and Teaching and Learning Responsibility posts
- Concern at the loss of personal touch with the children
- More confused following the open meeting

Comments on the completed responses forms from Junior School pupils were considered by the joint Steering Group but did not lend themselves to being themed. No completed response forms were received from First School pupils.

The comments included in the consultation responses were collated and made available to the governing bodies to consider when making their recommendations. These comments and issues can also be considered by governors, as may be relevant, to inform subsequent future planning.

Cannon Lane First School (4-7 Years) Governing Body met on 13 February 2013, and recommended that both schools should merge.

Cannon Lane Junior School Governing Body met on 14 February 2013 and recommended that the schools stay separate.

Harrow Council received one response to the consultation which was from Harrow Association of Disabled people. The response states that as the schools are on the same site, it seems unlikely that there will be repercussions for disabled children, and the only concern would be if the impact would be negative in any way on this group. However, as it is not suggested that travel and admission arrangements would change, there shouldn't be an issue. Harrow Association of Disabled people would like to think that the effects would be positive if the funding available can be used to increase accessibility in the school.



The Governors of Cannon Lane First School

Cannonbury Avenue
Pinner
Middlesex
HA5 1TS

17th February 2013

Ms Catherine Doran,
Corporate Director, Children and Families,
London Borough of Harrow,
PO Box 57
Station Road
Harrow HA1 2UJ

Dear Ms Doran,

Re: Cannon Lane First School (4-7) : Governing Body Decision – Amalgamation

Following the recent consultation with the parents, pupils, staff and other stakeholders the governing body has now reviewed the feedback received, at our meeting on the 13th February 2013, having discussed the feedback and the implications for the children and staff as well as the potential impact on teaching and learning the governing body decided in a unanimous vote that it was in the best interests of the children that both schools should amalgamate. Therefore it is the recommendation of the First School governing body that both schools should merge.

We have considered the evidence and we feel that amalgamation would produce an enhanced learning environment for all children in both schools based on the following reasons:

- Transition between Years 2/3 (KS1/2) would be less stressful for children as they would no longer have to adapt to a 'different' school, causing less disruption and anxiety.
- Consistency in terms of leadership, expectation, teaching practice and standards would mean children experience the same ethos and programs of study throughout KS1 and 2.
- Staff would be able to transfer and teach across the curriculum stages and this would enhance CPD as well as enabling the sharing of 'best practice' from both schools, (as an example CLFS have just been awarded Flagship status for Inclusion). Also the potential opportunity for succession planning would be improved.
- The evidence from schools in the borough that have previously amalgamated, has on the whole impacted positively on the teaching and learning in those schools, improving outcomes for children.
- We believe that a strong school with excellent strategic leadership is in the best interests of the community it serves and we are committed to meeting the needs of our children and exploiting their full potential.

The governors would like me to express their request for a speedy decision as we feel this will give us time to plan and therefore be in the best interests of the children in both schools.

We look forward to hearing from you shortly with a decision regarding amalgamation and the future of our school.

Kind regards

Karen

Karen Scott Gallagher
Chair of Governors
Cannon Lane First School (4-7)

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The Governors of Cannon Lane Junior School



Cannon Lane Junior School,
Cannonbury Avenue,
Pinner,
Middlesex HA5 1TS
Tel: 020 8868 7809

Chair: Mrs Teresa Jones
Vice Chair: Cllr Kam Chana

16th April 2013

Mr Adrian Parker
Head of Education Strategy and School Organisation
Harrow Teacher's Centre
Tudor Road
Wealdstone
Harrow
Middlesex
HA3 5PQ

Dear Adrian

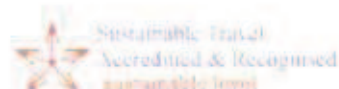
**Statutory Proposals to combine
Cannon Lane First School (4-7 Years) and Cannon Lane Junior School**

Please find attached our representations in respect of the above proposal for reporting to the Cabinet meeting on 9th May 2013.

Yours sincerely



Teresa Jones
Chair of Governors
Cannon Lane Junior School



REPRESENTATIONS FROM THE GOVERNING BODY OF CANNON LANE JUNIOR SCHOOL IN RELATION TO THE STATUTORY PROPOSALS TO COMBINE CANNON LANE FIRST SCHOOL (4-7 YEARS) AND CANNON LANE JUNIOR SCHOOL

The following information is submitted by the Governing Body of Cannon Lane Junior School following the publication of the Statutory Proposal on 7th March 2013.

Procedure

The Governing Body of Cannon Lane Junior School wishes to record our concern that the information submitted by the Governing Body in response to the consultation has been totally excluded from the published information and do not view this as a transparent process. The response document (copy attached) has not been published as an integral part of this process to enable all interested parties to have a comprehensive understanding of the context of the proposals on our school. The information submitted by the governing body was based on extensive knowledge and experience of the impact the proposals would have on our school and as all other response information has been included we feel that this questions the objectivity of the whole process.

The governing body has fully co-operated with LA Officers during the process and have adhered to the requirement in the Amalgamation Policy 2008 Annex A Communication. We have not communicated our view during the Consultation period as recommended in the Policy but are now penalised as our view is not to be included in the published response that is included in the Statutory Proposals for interested parties e.g. parents and staff.

Governing Body

The Cannon Lane Junior School Governing Body is constituted with representatives from the different groups within our school community including parents and staff. The parents and staff are elected through a democratic process. We are unclear why the view of the governing body, who are responsible for leading and managing the school in conjunction with the Headteacher and who have the in depth knowledge, is not considered. The elected representatives were chosen by a far greater number of parents than responded to the Consultation yet it seems that this is not a consideration in the published proposals. The governing body have ensured that our children receive the best possible Education and our school is consistently one of the top performing schools in Harrow which we do not want to compromise.

Councillors have previously stated that they value the contribution governors make to the high standards in Harrow Schools but the Amalgamation Policy does not support the view as there appears to be no recognition of the individual school context and knowledge.

We are aware that the other Junior School in Harrow facing the same circumstances also does not wish to amalgamate and therefore it would seem governors do not want to be forced to follow a route that they do not believe to be in the best interest of the children. The policy may have been seen as appropriate in 2008 but in 2013 a lot has changed.

Impact on children

The children are the reason why we are governors and we want the very best for them as demonstrated in our Consultation response document. We are therefore very concerned that by following the Amalgamation Policy the Council will be choosing to allow the removal of £154,000 per annum from the funding for the combined school. This is due to the new school funding formula that has been implanted by the Government and is ongoing for every year. This is an increase on the amount that was advised when the Consultation process was undertaken and will therefore have a greater impact. This budget cut of such a significant amount of money is a very compelling reason not to proceed with the proposed amalgamation.

Whilst we recognise that there would be some savings from a combined school, the savings will not be at the level of the budget cut. This budget reduction will have serious implication on the quality of Education that can be provided to the children and potentially could result in cuts to staffing which would have most impact on the more vulnerable children who need extra support. Our concern is that the level of funding would remain available for the Cannon Lane children by staying as 2 separate schools as each school would retain its full funding entitlement and why would the Council choose to disadvantage the children when there is no financial benefit to the Council. It is extremely important to retain as much funding as possible within the School Budget in order to face the unclear financial future.

School Size

At all stages of the Consultation and also in the Statutory Proposals it has been stated by the LA Officers that the size of the combined school would remain the same size as the 2 separate schools and this information was provided to our school community. It is now of concern that the schools have been contacted as the Council wishes to include us in a bid for permanent expansion to four form entry. This will potentially lead to a combined school of 840 pupils which we are opposed to and believe many parents would view the amalgamation very differently if this information had been published as part of current Statutory Proposals and in the original Consultation.

Conclusion

We do not consider that the Statutory Proposals are in the best interest of the children at Cannon Lane Junior School and hope that the all of the information that we have submitted to support this view will be fully considered. The rationale included in an outdated Policy need to be considered in the current changing Educational Landscape and Governing Bodies are very well placed through their knowledge, commitment and experience to know what will be best for their individual school. We are very concerned that the additional issue of school expansion is now being progressed and question why this information was withheld in the original Consultation.

Teresa Jones
Chair of Governors
Cannon Lane Junior School



Recommendation from the Governing Body of Cannon Lane Junior School

February 2013

Background

Cannon Lane Junior School is a thriving 3 form entry school providing places for 360 pupils in years 3- 6 aged 7-11. It is located in Pinner and shares a site with Cannon Lane First School (4-7 years) and is situated on the upper floor of the building. The school is highly successful and provides all of its pupils with an extensive range of opportunities enabling them to become independent and self confident.

Our Vision

Our school is committed to excellence. It is a school where academic achievement is promoted alongside the development of the whole personality. It is a school where all children's talents are celebrated, including those from the broader curriculum of sport, music and the arts. We aim to continuously develop the quality of teaching and learning, encouraging every child to improve and progress in a broad and balanced curriculum. We also strive to develop the qualities of responsibility, self-confidence and care for others.

Cannon Lane Junior School aims to...

Educate children in a happy, safe and caring environment.
Provide an active curriculum which includes National Curriculum objectives.
Develop the children's independence, confidence and sense of self-worth.
Value every child equally whatever their ability, ethnicity or background.
Encourage every child to reach his/her full potential.
Provide an effective and flexible learning environment in which children, staff, governors and parents work together in partnership.
Develop values and attitudes in accordance with a pluralist society.
Develop self-discipline and set boundaries of acceptable behaviour.
Encourage tolerance, respect and empathy with others.
Foster links with the local community and other schools.

Governing Body

The Governing Body has considered all of the information available and is making its recommendation following the Governing Body Meeting held on Thursday 14th February 2013 which was attended by all governors. The decision is based on what we consider best meets the needs of the current and future children using the experience and knowledge that we have of our School, gained over a period of time. Our decision is based on educational rationale focusing on the boundaries set in the Consultation exercise and with due recourse to the responses submitted from both First and Junior schools. The following issues were considered:-

- | | |
|---------------------------|-----------------------------------|
| 1. Size of the School | 6. Transition |
| 2. Financial Implications | 7. Premises |
| 3. Staffing | 8. Opportunities for children |
| 4. Attainment | 9. Consultation Responses |
| 5. Leadership | 10. Current Educational Landscape |

1. Size of the School

The Junior School has 360 children (30 per class) over 4 year groups. We are therefore classified by the Department of Education as a large school as is Cannon Lane First School (4-7 years). There is concern from parents, pupils and staff of the impact on the children of potentially being in a school of almost 700 pupils. There is no evidence to support children's educational experience being enhanced in such a large school. We believe that the current arrangements facilitate the personal relationship between the Headteacher, staff and all of the pupils and parents which would be lost due to the scale of such a large school. It is evident, from the consultation responses, that our parents welcome the personal contact with the Headteacher which would not be possible in a larger school. Children are concerned about such a wide age range of children being together with different needs when the current provision is age specific and provides very positive results. There will be a loss of the 'community feel' of the schools if such a large single school structure is implemented

2. Financial Implications

Under the arrangements that take effect from April 2013 a new funding formula is being introduced for schools. As a result all separate schools will receive within their budget allocation a lump sum of £142,000. If schools combine there will only be an allocation of one lump sum which will result in a reduction from the total school budget of £142,000 annually. This reduction will have a direct impact on the quality of provision for children from both schools as it is highly likely that the savings that would have to be made would be from the staffing budget, which is the largest element of the school budget. This could result in lesser provision for those children with additional needs as Teaching Assistants may be reduced. Whilst there would be a saving of a Headteachers salary and some service agreement costs this will not equate to the budget reduction. Over a period of just a few years the Cannon Lane Schools would lose over £1,000,000 which would make a significant difference to the quality of the Education. We do not believe that this can be justified in the current financial climate with ongoing deflationary pressures and serious cuts to budgets. The present and future predicted environments demand that Governing Bodies seek to ensure that we have the maximum funding for the children, we believe this impacts all children in the schools. Whilst the First School has previously managed a budget reduction this was accompanied by the reduction of 90 children and associated staff costs when an entire year 3 cohort was moved to the Junior School. There will only be some cost reductions if an amalgamation takes place and so it is the children who would suffer as a result. Staying as separate schools means more money is available to meet the needs of all of our children.

This cut, if the schools were to amalgamate, equates to 10% of the current Junior School budget. A number of parents and staff voiced concern at such a significant budgetary cut in the public meetings and unfortunately there was no hard data presented which detailed how such cuts could be mitigated whilst preserving the present quality of education.

3. Staffing

The current staffing arrangements in the Junior School provide the children with experienced, committed teaching and non teaching staff who have excellent knowledge of the Key Stage 2 curriculum. They are led by a Senior Management Team with in depth knowledge and experience of the National Curriculum appropriate for the age of the children. The staff are responsible for the everyday experiences for the children and it is due to their commitment that

we have such positive outcomes for the children. The staff have the understanding and expertise of what best meets the needs of the children in their classes and the overwhelming view expressed at the Consultation Meetings and in the responses to the Consultation is that the Junior School staff do not wish the schools to combine. The staff are doing an excellent job so there is no reason to change something that is working so well for the benefit of the children. As one parent voiced, "If it ain't broke, why fix it" – the concern being that alternative arrangements to amalgamation are possible which would preserve the high quality education and the finances required to maintain it.

The Junior School staff have been trained and chosen to teach the 7-11 age range so there is a risk that we would lose staff, which again would affect the quality of Education provided to the children. We have experienced no difficulty in attracting high quality staff to our school and retaining them. Our staff have access to a full range of Continued Professional Development offered through HSIP and therefore gain knowledge of the whole primary phase. As part of the Family of Schools project we link with a group of similar schools within Harrow therefore enabling our staff to benefit from this excellent development opportunity.

4. Attainment

Cannon Lane Junior School is a high achieving school as evidenced in the attached Key Stage 2 results table (appendix 1). The children consistently achieve well above the National Average and are consistently amongst the top performing schools in Harrow. The Key Stage 2 results also show that we are often the top performing 3 form entry school in Harrow.

Our children make good progress throughout the School as evidenced by the tracking data and therefore there is no evidence to support the view in the Consultation Document that 'Where primary education is provided in separate key stages, there is generally very little effective curriculum continuity and progression. In such situations the scope for discontinuity is increased'

The Curriculum provided at Cannon Lane Junior School was judged as ' Outstanding ' in the last OFSTED inspection.

Evidence from the Harrow key stage 2 results and from the neighbouring London Borough of Hillingdon indicate that separate Junior Schools do have excellent levels of attainment. The Governors do not feel that a coherent set of evidential data or arguments were presented with respect to present attainment data of the Junior School. Indeed, it was often recognised that the Junior School data is exemplary and the schools results are popular with both parents and our 'link' high schools. After consideration of evidence from other local and national school amalgamations Governors were concerned that the short term turbulence generated by amalgamation could have serious medium and potentially long-term impact upon attainment and achievement at the school e.g. though loss of staff, support arrangements, staffing structures, expertise, specialism's and the like.

5. Leadership

The current Leadership model at Cannon Lane has worked extremely well with benefits for pupils, parents and staff. The Governing Body works with the Senior Management Team to ensure that the needs of all pupils are met. This is achievable with 360 pupils and a team dedicated to this number of pupils. It is a concern that the effectiveness of this model will be

diluted and the Headteacher become a more remote Leader if the number of pupils is increased to nearly 700.

It is clear that based on our experience the outcomes for children have been very positive and we can see no reason to change a very successful Leadership structure.

6. Transition

At Cannon Lane Junior School we believe that our transition arrangements for pupils are highly successful. The feedback from the parental survey in 2012 (appendix 2) records a 93% satisfaction rate. This is also supported by the feedback from the staff and pupils. We continue to review the arrangements to ensure that the needs of all children are met. We believe that after making the successful transition to Year 3 this provides the children with the confidence to move to High School at the end of Year 6. The feedback from High Schools and parents is that our former pupils find transition an easy process.

Once children move to the Junior School they adapt quickly to the key stage 2 curriculum and the data shows they make good progress. The continuity is ensured through dialogue between the staff of both schools .Whilst we do not have a high number of children with Statements of Special Educational Needs, we ensure that those children with special educational needs have their needs met and this has not been an issue at Cannon Lane Junior School. The personal development and well-being of our pupils and the pastoral care of pupils was judged as 'Outstanding' in the last OFSTED Report.

We do not have any evidence that by making one change at age 7 that the transition to Cannon Lane Junior School has any negative impact on the children and cannot see why this system that has worked successfully over a number of years should be cited; it is our opinion that this statement is unsubstantiated.

7. Premises

The two schools share one site but are based on separate floors of the building. Due to the design of the premises there is no opportunity for more than the current number of pupils to join together for e.g. assemblies. The Junior School values the time that the whole school meets together as it promotes the sense of belonging and being part of the School. Whole school assemblies are a substantial feature of all schools and certainly they are a critical element of the ethos and success of the Junior School as was often expressed by students, parents and staff of the Junior School. Despite queries and concerns raised at the public meetings there is currently no funding allocated to make changes to the building and it is a concern that as the school would continue to operate on the two separate floors that there is no reason not to continue with the current proven arrangements with the celebrated success achieved by the each of the schools..

The physical separation would also be evident as there is limited space for a larger staff room and again no funding has been allocated.

There is no funding currently allocated to the schools for building alterations and therefore as a combined school would have a reduced budget there would not be finances available to make any changes and in addition a significant 10% annual loss in income.

8. Opportunities for children

The Junior School is committed to promoting the development of the whole child and therefore offers a wide range of opportunities. There is a prefect system, buddy scheme and Sports

Leaders all of which enable the older pupils to experience the responsibility for the younger children and to provide aspirational role models and mentoring support. We have a very effective School Council providing valuable feedback on matters across the whole school. The music provision and other extra curricula activities provided ensure that the children already have access to the full range of opportunities. Governors have carefully considered the opinions expressed by the Junior School children in their consultation responses, especially older children at the school, who have experienced both schools.

9. Consultation Responses

The governing body has read the comments provided by the respondents to the Consultation and have the following observations. The response rate from parents across the two schools is approximately 15%. Chris Melly noted that this was a higher than usual level of engagement. The response rate from the Junior School staff and Junior School children is significantly higher. The staff and children wish to remain as separate schools. In the breakdown of the children's responses it was noted that the Year 6 children, who have the benefit of experiencing both schools for the longest period of time expressed significant preference to remain as separate schools.

It was also noted in the comments on a significant number of parental responses that the focus had been on personalities rather than on the issue of whether the two schools should combine. The clear focus of the Consultation was on whether the schools should combine or remain separate and whilst the responses have produced a range of information it has been the role of the governing body to focus on the subject of the Consultation and hence our recommendations are derived from the response to this exercise.

10. Current Educational Landscape

It has been recognised by the Governing Body that the Harrow Council Amalgamation Policy was issued in 2008 when there was a very different Education Landscape in Harrow and nationally. We are aware that the Policy was under review from the draft document provided to us dated October 2012 but nevertheless we recognise the 2008 Policy is still in place and this has been followed. We are concerned that as the changes and reforms being introduced nationally are implemented the role of the Local Authority has changed and this was detailed at the recent Harrow Conference 'Shaping the Future Direction for Harrow Primary Schools' on 1st February 2013. . We feel it is essential that Cannon Lane Junior School Governing Body is given the opportunity to make the decision as to how they embrace the changes and take forward the School to meet the challenges ahead.

Conclusion

After considering all of the information, and based on our knowledge and experience of our school, we recommend that the schools stay separate. We hope you will value the views of the governors in reaching this decision, fully consider all of the reasons outlined in this document and allow us to continue to provide the high quality education the children deserve. We are very seriously concerned about the major impact of the funding reduction and believe that this will have a considerable detrimental effect on the children. This combined with all of the issues included above lead us to believe that there are compelling and over-riding educational reasons for the Schools to remain separate. Cannon Lane Junior School is providing an

excellent education for all of its pupils and by remaining separate will continue to do so for the children in the future.

The Governing Body's considered view, in light of the Consultation and its responses, our knowledge of the impact of the amalgamation (both known and unknown e.g. financial and staffing) and the exemplary attainment data and evidence derived from our many years of experience of the Junior School has led us to the conclusion that we do not wish to amalgamate.

Appendices

1. Cannon Lane Junior School Key Stage 2 Results table
2. Cannon Lane Junior School Parental Questionnaire 2011-12

Appendix 1

KS2 SATS RESULTS 2009 – 2012

	LEVEL 4	LEVEL 5	Level 6
	%	%	%
2009			
English	94	48	
Maths	92	50	
Science	98	74	
2010			
English	93	54	
Maths	93	62	
Science	97	72	
2011			
English	92	41	
Maths	89	58	
Science	91	41	
2012			
English	94	57	
Maths	90	56	22
Science	97	64	

Appendix 2

CANNON LANE JUNIOR SCHOOL

CONFIDENTIAL QUESTIONNAIRE FOR PARENTS

2011-12

Please take the trouble to fill in this questionnaire. Your answers will help the children, staff and governors create a better school. Please indicate your level of satisfaction with the following aspects of learning and school life by ticking the appropriate boxes. Please add any additional comments overleaf. Only complete one questionnaire.

TO BE RETURNED TO SCHOOL BY THURSDAY 22nd MARCH. THANK YOU.

We/ I have children in the following year group(s):

Year 3	Year 4	Year 5	Year 6
30%	28%	20%	25%

Aspects of learning & School Life	Very Satisfied	Satisfied	Not Very Satisfied	Not at all Satisfied	Unsure or unable to answer
The overall education provided for the children	52%	45%	1%	0%	2%
Helping children with learning difficulties	14%	33%	0%	0%	52%
Equal opportunities for boys & girls	48%	44%	0%	0%	8%
Equal opportunities for children from all cultural backgrounds	49%	45%	2%	0%	4%
Pupil behaviour	38%	59%	0%	1%	2%
The prefect, house captain & certificate system	34%	38%	1%	0%	27%
Discipline procedures	42%	46%	4%	1%	7%
Opportunities to discuss your child's progress	42%	55%	2%	1%	0%
Out of school hours clubs	34%	43%	7%	2%	14%
Information provided about the curriculum	32%	62%	5%	1%	0%
Newsletters	41%	58%	1%	0%	0%
Transition arrangements from the First School	45%	48%	2%	1%	4%
Home / School link book	41%	55%	4%	0%	0%
The school website	36%	54%	9%	1%	0%
Frontier information	39%	52%	5%	2%	2%
The helpfulness of staff	58%	39%	2%	0%	1%
Opportunities to help in school	34%	39%	2%	1%	24%
The extent to which the school listens to parents' views	29%	60%	1%	2%	8%

Please ring one of the options below

Homework - amount	Too much 10%	Too little 13%	About right 77%
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20th March 2013

Education Strategy & School Organisation

I feel that the two schools should not be combined. In my experience as a parent and as a past governor it is beneficial for the schools to stay separate.

- The first school are very good at introducing the children to school. They learn about routine, how to interact with each other & adults and have an excellent start to their education in a safe & caring environment.
- The junior school make a brilliant job of building the childrens confidence in themselves, teaching them to respect others cultures & religions and showing them that we are all different. They relish the fact that they have more responsibility in what they do, how they learn & how they behave.
If you ask the children what they think of junior school after the first half term most of them will tell you how surprised they are by how good junior school is & how they have enjoyed the change from first school.

P.T.O

- Both school have their own identities which should be kept separate. If they are combined they will loose them as they will be such a large school. Indeed some of the children particularly the smaller ones may find the size of the school quite intimidating.

- It is also a concern that in the last year the first school have had a bulge class. I cannot see that this will stop after the first year & will carry on, again adding to the size of the school and also the constant problem of the busy road in the mornings & afternoons with parents trying to find parking spaces. I am sure that if the residents in the surrounding roads knew about this they would be very concerned.

- If the school are combined the school as a whole will suffer and so will the surrounding area.

REPORT FOR: CABINET

Date of Meeting:	28 May 2013
Subject:	Special Needs Transport Change Programme 3 (SNT3) – Referral by Call-In Sub-Committee
Key Decision:	Yes (this is a reconsideration of the Key Decision made by Cabinet on 11 April 2013)
Responsible Officer:	Hugh Peart, Director of Legal and Governance Services
Portfolio Holder:	Councillor Zarina Khalid, Portfolio Holder for Children, Schools and Families Councillor Thaya Idaikkadar, Leader of the Council and Portfolio Holder for Property and Major Contracts Councillor Krishna James, Portfolio Holder for Adult Social Care, Health and Wellbeing
Exempt:	No
Decision subject to Call-in:	No/Yes (please see end of report)
Enclosures:	Appendix 1 – Call-In Notice by Members of the Public Appendix 2 – Minutes of the Call-In Sub Committee – 29 April 2013 Appendix 3 – Extract of Cabinet Minutes - 11 April 2013 Appendix 4 – Cabinet Report on the Special Needs Transport Change Programme 3 (SNT3) + EqIAs Appendix 5 – Submission from Corporate Director of Children and Families

Section 1 – Summary and Recommendations

This report sets out the decision of the Call-In Sub-Committee held on 29 April 2013 following the receipt and consideration of a Call-In notice in relation to Cabinet's decision of 11 April 2013 on the Special Needs Transport Change Programme 3 (SNT 3).

Recommendations: That

- (1) in accordance with Committee Procedure Rule 46.8.3, the decision of Cabinet on 11 April 2013, as set out in Appendix 3, in relation to the Special Needs Transport Change Programme 3 be re-considered as result of the decision of the Call-In Sub-Committee;**
- (2) the original Cabinet decision of 11 April 2013 be confirmed or amended in light of the Call-In Sub-Committee's comments and having considered the submission and additional recommendation proposed by the Corporate Director of Children and Families at appendix 5.**
- (3) Cabinet be asked to consider requesting a report that outlines the process of drawing up and approving Equality Impact Assessments (EqIAs) for Cabinet level decisions.**

Reason (For recommendation): In accordance with Committee Procedure Rule 46.8.3, Cabinet must reconsider its decision within 10 clear working days of a referral by the Call-In Sub-Committee.

Section 2 – Report

On 11 April 2013, Cabinet agreed that the progress on the SNT3 programme be noted, that a further progress report with a final draft policy be received for approval in Autumn 2013 and gave delegated authority for the Corporate Director Children and Families, in consultation with the Portfolio Holders for Children, Schools and Families, Property and Major Contracts, and Adult Social Care, Health and Wellbeing, to procure, select and award contracts to the preferred transport services suppliers on such terms as agreed, acting in the best interests of the Council and in doing so promoting local social enterprises and private organisations and to consult on a new transport eligibility policy. The report considered by Cabinet is attached at Appendix 4.

On 19 April 2013, a Call-In Notice signed by over 150 members of the public was received citing the grounds of inadequate consultation with stakeholders prior to the decision, the absence of adequate evidence on which to base the decision and insufficient consideration of legal and financial advice. The Call-In Notice is attached at Appendix 1. Having been validated, a meeting of the Call-In Sub-Committee was held on 29 April 2013 to consider the Call-In notice. The subsequent reference arising from the Sub-Committee meeting is attached at Appendix 2 for Cabinet Members consideration.

The Sub-Committee agreed, unanimously, that the call-in on ground (a) – inadequate consultation with stakeholders prior to the decision - be upheld and referred back to Cabinet for re-consideration. The Members felt that the consultation was limited and the trades' unions had not been engaged properly. The Sub-Committee requested that the previously agreed cross party practice of early trade union engagement was followed. The Sub-Committee also expressed the view that it was best practice to engage with service users where there was a major change to the way a service was delivered.

The Sub-Committee agreed, by majority, that the call-in on the grounds of the absence of adequate evidence on which to base a decision not be upheld due to insufficient grounds. The Sub-Committee unanimously agreed Cabinet be asked to consider requesting a report that outlined the process of drawing up and approving Equality Impact Assessments (EqIAs) for Cabinet level decisions.

The Sub-Committee agreed, unanimously, that the call-in on the grounds of insufficient consideration of legal and financial advice not be upheld due to insufficient grounds.

In accordance with Committee Procedure Rule 46.8.3, Cabinet must reconsider its original decision within 10 clear working days of a referral by the Call-In Sub-Committee. Cabinet are requested to either confirm or amend their decision of 9 February in relation to this matter.

Options considered

Cabinet are requested to either confirm or amend their decision 11 April 2013 having considered the referral by the Call-In Sub-Committee.

Legal Implications

As set out in the Cabinet report of 11 April 2013

Financial Implications

As set out in the Cabinet report of 11 April 2013

Performance Issues

As set out in the Cabinet report of 11 April 2013

Environmental Impact

As set out in the Cabinet report of 11 April 2013

Risk Management Implications

As set out in the Cabinet report of 11 April 2013

Equalities implications

As set out in the Cabinet report of 11 April 2013

Corporate Priorities

As set out in the Cabinet report of 11 April 2013

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 1 May 2013		
Name: Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 1 May 2013		

Section 4 – Performance Officer Clearance

Name: Alex Dewsnap	<input checked="" type="checkbox"/>	Divisional Director Strategic Commissioning
Date: 2 May 2013		

Section 5 – Environmental Impact Officer Clearance

Name: John Edwards



Divisional Director
(Environmental
Services)

Date: 2 May 2013

Section 6 - Contact Details and Background Papers

Contact:

Nicola Fletcher
Democratic and Electoral Services Officer
Tel: 020 8416 8050
Email: nicola.fletcher@harrow.gov.uk

Background Papers:

Minutes of the Call-In Sub-Committee – 29 April 2013

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE

**Call-in does not apply if
original decision of
Cabinet on 11 April is
confirmed unchanged.**

**However, if original
decision is amended
Call-in will apply.**

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CALL-IN NOTICE

To be completed by Members of the Public, as per the provisions of Committee Procedure Rule 46.5.

To: The Director of Legal and Governance Services

1. Notice of Call-In of Executive Decision

In accordance with Committee Procedure Rule 46.5, we, the 150 signatories to this call-in notice (see numbered continuation sheets overleaf), being members of the public registered on the electoral roll of the London Borough of Harrow, hereby give notice that we wish to call-in the Executive decision detailed in section 2 below.

2. Details of Executive Decision

The details of the Executive decision are as follows:-

Decision: Special Needs Transport Change Programme 3 (SNT 3)
.....

Made by: Cabinet Thursday 11th April 2013
.....
(Cabinet/relevant Portfolio Holder)

Published on: Friday 12th April 2013
.....
(Date)

3. Grounds for Call-In

(Please specify below the grounds for the call-in, in accordance with Committee Procedure Rule 46.5. Please note that, in the event that this call-in is referred to the Call-in Sub-Committee, the considerations of the Sub-Committee will focus on the grounds stated, and the Sub-Committee will seek evidence to support them. Please therefore also set out below details of the evidence to support the grounds for call-in, continuing on a separate sheet if necessary).

1) Inadequate consultation with stakeholders prior to the decision: No consultation took place with trade

.....
unions/staff prior to the decision to outsource SNT even though UNISON had requested a halt

.....
to proceedings on the 2nd April 2013 but did not receive a response before Cabinet agreed the project.

No evidence of consultation with all service users e.g. Children & Adults and any other departments.

2) The absence of adequate evidence on which to base a decision: The accompanying EqIA dated 25th

February 2013 is inadequate, was not disclosed to any stakeholder other than senior internal staff and

completely fails to recognise and pay "due regard" to all of the protected characteristic groups under the

Equality Act 2010. It is not robust and did not follow normal EqIA processes prior to Cabinet submission.

3) Insufficient consideration of legal and financial advice: As above no "due regard" under the PSED.

Once completed, please forward this form to Nicola Fletcher, Legal & Governance Services, Harrow Council, Room M22, Civic Centre, HA1 2UH or send it by fax to 020 8424 1557 WITHIN 5 CLEAR WORKING DAYS OF THE DATE OF PUBLICATION OF THE DECISION.

Call-in Notice: 'Grounds for Call-in'

Decision: Special Needs Transport Change Programme 3 (SNT 3)

Made by: Cabinet Thursday 11 April 2013

Published on: Friday 12 April 2013

(NB- Below are details in support of the Grounds for Call-in for signatories & the Director of Legal and Governance, Harrow Council)

1. Inadequate consultation with stakeholders prior to the decision:

No consultation took place with trade unions/staff prior to the decision to outsource SNT even though UNISON had requested a halt to proceedings on the 2nd April 2013 in a letter written to the Leader of the Council which has not been responded to.

There is no evidence of adequate consultation methods used with staff/unions and service users during the equality impact assessing stage demonstrated in the 'SNT 3 Programme' Equality Impact Assessment (EqIA). This assessment was not widely circulated or shared with any stake holding party prior to Cabinet decision.

No evidence has been provided to confirm that a consultation process had taken place with all 515 children and adult service users and their families concerning the direction of overall provision of the service, service standards, health & safety and on the proposals to change and inevitably restrict service eligibility criteria for many users.

There is no evidence of consultation with other departments who use the in-house Special Needs Transport Service such as the Community Health & Wellbeing department.

2. The absence of adequate evidence on which to base a decision:

The accompanying EqIA dated 25th February 2013 is inadequate and fail's to compile robust assessment findings as to the potential impact upon all individuals i.e. staff and users within the Protected Characteristic Groups, failing to even assess or profile the impact on several Protected Groups.

The EqIA was not tabled at the Children & Families Directorate Equalities Group nor was it tabled and agreed at the Corporate Equalities Group, given its cross-directorate impact on service users, before it was agreed by Cabinet.

3. Insufficient consideration of legal and financial advice:

The SNT 3 Report for Cabinet did not contain a specific Legal Implications section for Equalities ensuring that members have due regard to the Public Sector Equality Duty (PSED), under section 149 of the Equality Act 2010, in the undertaking of decisions before they are made ensuring that all of the protected characteristics are listed and taken into account. It is clear the EqIA did not have sufficient 'due regard' and that advice was not fully included and considered by members.

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CALL-IN SUB-COMMITTEE MINUTES

29 APRIL 2013

Chairman: * Councillor Jerry Miles

Councillors: * Sue Anderson * Ajay Maru (2)
* Barry Macleod-Cullinane (1) * Paul Osborn

In attendance: Stephen Wright Minute 44
(Councillors)

* Denotes Member present
(1), (2) Denote category of Reserve Members

40. Attendance by Reserve Members

RESOLVED: To note the attendance of the following duly appointed Reserve Members:

Ordinary Members

Councillor Ann Gate
Councillor Susan Hall

Reserve Members

Councillor Ajay Maru
Councillor Barry Macleod-Cullinane

41. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 5 – Call-In of Cabinet Decision (11 April 2013) – Special Needs Transport Change Programme 3 (SNT 3)

Councillor Sue Anderson declared a non pecuniary interest in the above item in that she was a member of a different branch of Unison and as her husband

was Chair of Governors at Kingsbury School. She would remain in the room whilst the matter was considered and voted upon.

Councillor Barry Macleod-Cullinane declared a non pecuniary interest in the above item in that his sister was a teacher at Hatch End High School. He would remain in the room whilst the matter was considered and voted upon.

Councillor Ajay Maru declared a non pecuniary interest in the above item in that his wife was a teaching assistant at Ambrose School. He would remain in the room whilst the matter was considered and voted upon.

Councillor Jerry Miles declared a non pecuniary interest in the above item in that he was a member of a different branch of Unison. He would remain in the room whilst the matter was considered and voted upon.

Councillor Paul Osborn declared a non pecuniary interest in the above item in that he was the Portfolio Holder who had signed the decision on Special Needs Transport 1 (SNT1). He would leave the room if the Sub-Committee discussed the SNT1 decision.

42. Minutes

RESOLVED: That the minutes of the meeting held on 3 April 2013, be taken as read and signed as a correct record.

43. Protocol for the Operation of the Call-In Sub-Committee

The Chairman outlined the procedure to be followed at the meeting and advised the Sub-Committee that they would not be able to decide that the decision was contrary to the policy framework or contrary to or not wholly in accordance with the budget framework as the decision had not been called-in on this ground.

RESOLVED: That the Call-In would be determined on the basis of the following grounds:

- a) inadequate consultation with stakeholders prior to the decision;
- b) the absence of adequate evidence on which to base a decision;
- f) insufficient consideration of legal and financial advice.

RESOLVED ITEMS

44. Call-In of Cabinet Decision (11 April 2013) - Special Needs Transport Change Programme 3 (SNT 3)

The Sub-Committee received papers in respect of a call-in notice submitted by over 150 members of the public.

The Chairman invited the representative of the signatories, Mr Darren Butterfield of Unison, to present the reasons for the call-in of the decision to the Sub-Committee.

The representative of the signatories addressed each of the grounds for the call-in separately.

Ground 1 – Inadequate consultation with stakeholders prior to the decision

The representative of the signatories explained that at the Children and Families Departmental Joint Committee (DJC) on 19 March 2013 the information presented had been inadequate and had failed to include the Cabinet report, the Equality Impact Assessment (EqIA) and the full business case. A letter had been sent by the Unison Branch Secretary to the Leader of the Council requesting that the decision be suspended but a response had not been received. Meetings with staff had taken place on 28 March 2013 and, due to the timing of the sessions, many Special Needs Transport (SNT) staff had been unable to attend. The consultation did not satisfy Section 15 of the Recognition Agreement and consultation after the decision was not meaningful. There had not been any consultation with the 515 service users but there were potential impacts on users including health and safety concerns and any future changes to the eligibility criteria. There did not appear to have been any dialogue with officers in the Community, Health and Wellbeing Directorate or with other Members about the Cabinet report and the EqIA. Two versions of the EqIA were available on the Council's website, one of which was unsigned and undated, while the other had been signed by the Divisional Director Early Intervention Services. It was not clear whether a recognised Council group, such as the Quality Assurance Board or the Corporate Equality Group had met to consider the EqIA. There had not been consultation with Head Teachers on the EqIA.

Ground 2 – The absence of adequate evidence on which to base a decision

The representative of the signatories advised that the evidence provided was inadequate to assess the impact of the proposals and the EqIA assumed no impact on two of the protected characteristics, race and gender. The proposals did not include information on what the new eligibility criteria would be for the service.

Ground 3 – Insufficient consideration of legal and financial advice

The representative of the signatories made reference to the public sector equality duty under section 149 of the Equality Act 2010 and commented that full legal advice had not been given. He explained that if full advice had been provided then the information lacking from the EqIA on race and gender would have been identified.

The Chairman then invited the Portfolio Holder for Children, Schools and Families to address the Sub-Committee. She thanked the representative of the signatories for his presentation and introduced Councillor Phillips, her Portfolio Holder Assistant who had been involved with SNT 3. The Portfolio

Holder for Children, Schools and Families requested officers to respond to the detailed, operational points raised.

The Corporate Director, Children and Families and the Divisional Director, Special Needs Services, made the following comments in response to the presentation of the grounds of the call-in:

- there had been consultation with the trades' unions and with staff prior to the decision. At the Department Joint Committee (DJC) meeting on 19 March 2013, the unions had been in attendance and the proposals had been explained in detail. Meetings with staff had been held on 28 March 2013 at two different times but it was noted that it had been difficult to schedule a date for meetings with staff prior to the Easter holidays. Approximately 40% of SNT staff had attended and additional sessions would be held in different locations for the staff who had been unable to attend. Written communications about the proposals would be sent;
- the principles of the project had been outlined as there were no specific proposals to be explained during the pre-consultation;
- it had been felt to be unnecessary to engage with other stakeholders or service users because currently 20% of the service was outsourced and service users could be collected by either Council staff or an external provider;
- there would be consultation with other stakeholders and service users if there was a major change to the eligibility criteria. At present, it was proposed to refresh the criteria and it was not expected that there would be a significant change in eligibility. It was possible that one outcome of the eligibility refresh would be an increase in independent travel training;
- there had been consultation on the eligibility policy when it was last agreed in 2006 and the proposed refresh would address statutory changes;
- the EqIA would be revised throughout the three year programme and the version submitted with the Cabinet report was an initial version. The EqIA had been considered and developed by various Council officers meaning that it had received sufficient scrutiny;
- the report had been approved by officers from Legal and Governance Services and contained both legal and financial advice.

The Chairman invited the representatives of the signatories, Mr Darren Butterfield and Mr Gary Martin of Unison to ask questions of the Portfolio Holder for Children, Schools and Families. The questions were responded to by the Portfolio Holder and officers including the Corporate Director, Children and Families, as follows:

- the key elements of the business case had been shared with both staff and the trades' unions;
- no one present at the DJC meeting had requested the full business case although the document was available. There would be further consultation on the detailed proposals. The key element explained during the lengthy discussions at the DJC meeting was progressive outsourcing;
- the letter sent to the Leader of the Council by the Unison Branch Secretary on 24 March 2013 had not been specifically copied to the Portfolio Holder for Children, Schools and Families. If it had been then a response would have been pursued. It was not possible to answer on behalf of the Leader as to why a response had not been sent;
- the Council had a statutory duty to provide transport assistance but there did not have to be consultation on how it was delivered. As part of the Cabinet decision, it was agreed that there would be consultation with stakeholders regarding the eligibility criteria and the transport eligibility policy refresh. There were only limited options to change the eligibility criteria and any changes were, in the main, likely to be made to independent travel training;
- one version of the EqIA on the website was draft and there were differences between the two versions because SNT3 was a dynamic project. The EqIA would be revisited during the three year programme. There had been consultation with Members, transport service managers, human resources and legal officers, the Policy Officer, Equalities and Diversity, the Service Manager, Policy and Partnership and the Divisional Director, Strategic Commissioning on the EqIA. It had been commented that the EqIA did not include enough of the positive implications of the project. There was no requirement for the EqIA to be considered at the Departmental Children Equality Group and there was no necessity that the EqIA be considered by the Quality Assurance Group one month prior to Cabinet. A representative for the signatories commented that the EqIAs did not include any profiling information on gender or race;
- strong support for independent travel training but variability as to when it was used had been expressed during the SNT2 project. It was widely recognised that it was good practice to include an element of independent travel training to allow children to travel to school on their own. It should be noted that SNT was for vulnerable young people and their families and due to the dynamic nature of their needs, it was difficult to provide quantitative evidence. Meetings had been held with the head teacher, staff, service users and parents from Shaftesbury School and they had expressed support for independent travel training;

- the letter inviting staff to attend the meetings on 28 March 2013 had not explicitly made reference to outsourcing but had informed staff that at the sessions they would be able to learn about the project;
- the alternative options had been presented at the meetings on 28 March 2013 but it had been explained that in order to achieve the savings there would have to be progressive externalisation;
- an Official Journal of the European Union (OJEU) notice would be issued when a decision had been made on what would be procured and if the financial amount required a notice.

The Chairman then invited Members of the Sub-Committee to ask questions of the representatives of the signatories, the Portfolio Holder for Children, Schools and Families and officers.

A Member asked about the extent of the consultation on SNT 1 and SNT 2 when 20% of the service had been outsourced. In response, a Unison representative advised that the business cases had been provided to the unions and there had been regular meetings. An officer stated that the 20% of the service outsourced was not as a result of SNT 1 which focused on route planning and the vehicle fleet or SNT 2 which addressed travel plans. Taxis had been used to provide 20% of the service for a long time.

The Sub-Committee considered the consultation which had taken place on SNT 3 and questioned whether officers felt it was adequate. The officers commented that the Cabinet decision on 11 April 2013 was to allow the project to progress and that further reports would be submitted on the eligibility criteria.

A Member then queried whether an outline business case had been produced, as had been done by Capita for SNT 1 and 2 and if the established protocol of consulting the unions about the outline business case had been followed. The officers explained that the SNT 3 programme had followed a different procedure. Capita had produced an outline business case when SNT 2 had been nearing completion but this was not pursued and an in-house approach was followed resulting in the current full business case. The outline business case for SNT 3 had involved consideration of a series of options which were developed in the full business case and their suitability considered at various meetings. The process was in line with human resources advice. There had been delays in commencing the consultation due to the decisions being required on the principle of outsourcing and there had been time pressures created by the Medium Term Financial Strategy (MTFS).

When considering the EqIA and the approval process, such as which groups agreed the document, the Sub-Committee requested clarification as to who had approved the EqIA and why key factual information was absent. The officers explained that the EqIA had been considered by some Members of the Children's Services EQIA Quality Assurance group but not at a formal meeting. The document had been shared with divisional directors in the Children and Families Directorate and by the relevant officers such as the

Policy Officer, Equalities and Diversity, the Service Manager, Policy and Partnership and the Divisional Director Early Intervention Services. The lead officer was the Programme Manager.

A Member then commented on the issues raised by officers regarding the timetable and stated that meetings with the unions should have been scheduled. The officers acknowledged that the report could have been submitted to a later Cabinet meeting but informed Members that the advice from human resources was that the requirements for pre-consultation had been met. The unions had been aware of the MTFs and the savings for the special transport service since December 2012.

The Sub-Committee were reminded that it was usual practice for there to be trade union engagement prior to decisions being made by Members. The Sub-Committee suggested that it would be useful for an officer from human resources to be present at the meeting and an officer advised that the Senior Business Partner was able to attend the meeting.

The Chairman welcomed the Senior Business Partner to the meeting.

In response to questions from the Sub-Committee on the level of consultation with the unions, the timing of the consultation and the content of the DJC meeting on 19 March 2013, the Senior Business Partner and other officers repeated that a timetable of future consultation had been prepared to meet the requirements of the Change Management Protocol. The DJC meeting on 19 March 2013 was the appropriate place to consult with the unions. It had been made clear at this meeting that outsourcing was the option being pursued and this was acknowledged in the comments of the union representatives in attendance. Harrow was one of only two London Boroughs which had not outsourced a large proportion of the SNT service.

The Sub-Committee queried when the unions and staff had been provided with documents relating to the project. A Member questioned whether the 60% of staff who had not attended the sessions on 28 March 2013 had received any official communication relating to the project and the proposals. The officers confirmed that staff had received the letter of invitation in advance of the meetings on 28 March 2013. At that meeting staff had been given copies of the presentation. Consideration was being given to the available options for additional staff meetings. The intention had been that all staff would be written to following the Cabinet decision but this had been delayed due to the call-in of the decision. As it was a three year project, the implications for individual staff were not known at present but staff had been informed that the transfer of undertakings (TUPE) would apply. Unison had not received papers in advance of the DJC on 19 March 2013 and had received a presentation at that meeting. There were questions at the staff meetings on 28 March 2013 but these were predominantly from the trades' unions' representatives.

A Member commented that it was not appropriate to disregard protocols, such as trade union consultation because of the MTFs and the current financial challenges. The Member requested clarification on whether the outline business case had been shared. The officers responded that it had not been

as a decision on the savings had not been made at that point and therefore the document had not been shared.

(The Sub-Committee then adjourned from 5.58pm – 6.20pm to receive legal advice).

The Chairman announced the decision of the Sub-Committee and it was

RESOLVED: (unanimously) That

- (1) the call-in on ground (a) – inadequate consultation with stakeholders prior to the decision be upheld and referred back to Cabinet for re-consideration and the Sub-Committee requested that the previously agreed cross party practice of early trade union engagement be followed and it was felt that it was best practice to engage with service users where there was a major change to how a service was delivered;
- (2) the call-in on ground (f)- insufficient consideration of legal and financial advice not be upheld due to insufficient grounds;
- (3) Cabinet to consider requesting a report that outlines the process of drawing up and approving Equality Impact Assessments (EqIAs) for Cabinet level decisions.

and (by a majority decision) that

- (4) the call-in on ground (b) – the absence of adequate evidence on which to base a decision - not be upheld due to insufficient grounds.

(Note: The meeting, having commenced at 4.06 pm, closed at 6.26 pm).

(Signed) COUNCILLOR JERRY MILES
Chairman

DRAFT MINUTE EXTRACT

CABINET MINUTES

11 APRIL 2013

Chairman: * Councillor Thaya Idaikkadar

Councillors:

* Bob Currie	* Phillip O'Dell
† Margaret Davine	* David Perry
* Keith Ferry	* Sachin Shah
* Mitzi Green	† Bill Stephenson
* Graham Henson	

In attendance: Susan Hall Minute 624
(Councillors) Barry Macleod-Cullinane Minute 624

* Denotes Member present
† Denotes apologies received

RESOLVED ITEMS

628. Special Needs Transport Change Programme 3 (SNT 3)

Cabinet received a report of the Divisional Director of Special Needs Services, which set out a programme of change for the service that included significant procurement of new suppliers to the Council over the next 3 years.

In inviting the Portfolio Holder for Children, Schools and Families to introduce the report, the Leader of the Council stated that the way forward was well defined and he thanked officers and his colleagues for their work.

The Portfolio Holder for Children, Schools and Families stated that as part of the process for SNT 3, it was important that a high level of service continued to be maintained. She was supported by the Corporate Director of Children and Families in this regard, who added that following the successful implementation of SNT 1 and 2, the Council had been working with relevant parties, including the Unions, to deliver on SNT3.

The Corporate Director added that Harrow was one of the few local authorities that had continued to maintain an in-house service. She informed Cabinet that at present a percentage of the travel routes were outsourced. The Council would work with local providers and the existing work force, over a period of three years to deliver on this complex project. She cited an article in a local newspaper, which showed the support given to this project by the Chief Executive of the Harrow Association of Voluntary Services (HAVS).

The Portfolio Holders for Performance, Customer Services and Corporate Services and Community and Cultural Services commended the work undertaken by officers and the Portfolio Holder for Children, Schools and Families with a view to further radicalising the services over a period, including the building of relationships and trust with local organisations whilst maintaining the services provided.

RESOLVED: That

- (1) the progress on the SNT3 Programme be noted;
- (2) the Corporate Director of Children and Families, in consultation with the Portfolio Holders for Children, Schools and Families, Property and Major Contracts, and Adult Social Care, Health and Wellbeing, be authorised to:
 - a) procure, select and award contracts to the preferred transport services suppliers on such terms as agreed, acting in the best interests of the Council and in doing so promoting local social enterprises and private organisations;
 - b) consult on a new transport eligibility policy;
- (3) a further progress report with a final draft policy be received for approval in Autumn 2013.

Reason for Decision: The MTFS provided a need and a timeframe for delivering further savings of £540k from special transport. The SNT3 programme would deliver the required savings whilst maintaining the service required by residents.

To deliver savings within the timescales required delegated authority to identify best providers and award contracts to the best placed provider.

A broader, more flexible delivery would future proof the service for the direction of government policy. The preferred option would seek solutions that were delivered by local suppliers and local social and community enterprises.

Alternative Options Considered and Rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Cabinet Member / Dispensation Granted: None.

REPORT FOR: CABINET

Date of Meeting:	11 April 2013
Subject:	Special Needs Transport Change Programme 3 (SNT3)
Key Decision:	Yes
Responsible Officer:	Roger Rickman, Divisional Director of Special Needs Service Councillor Mitzi Green, Portfolio Holder for Children, Schools and Families
Portfolio Holder:	Councillor Thaya Idaikkadar, Leader of the Council and Portfolio Holder for Property and Major Contracts Councillor Margaret Davine, Portfolio Holder for Adult Social Care, health and Wellbeing
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	Full Equalities Impact Assessment

Section 1 – Summary and Recommendations

This report outlines the full programme of change for the service which includes significant procurement of new suppliers to the Council over the next 3 years. The report seeks delegated authority to deliver the full programme and procure, and award contracts to the preferred suppliers.

Recommendations:

Cabinet is requested to:

1. Note the progress on the SNT3 programme;
2. Authorise the Corporate Director of Children & Families in consultation with the Portfolio Holders for Children, Schools and Families, Property & Major Contracts and Adults & Housing to:
 - a) **Procure**, select and award contracts to the preferred transport services suppliers on such terms as are agreed, acting in the best interests of the Council and in doing so promoting local social enterprises and private organisations
 - b) **Consult** on a new transport eligibility policy
3. Agree to receive a further progress report with a final draft policy for approval in Autumn 2013.

Reason: (for recommendation)

The current MTFS provides a need and a time-frame for delivering further savings of £540k from special transport. The SNT3 programme will deliver the required savings whilst maintaining the service required by residents.

To deliver savings within the time-scales will require delegated authority to identify best providers and award contracts to the best-placed provider.

A broader, more flexible delivery will future-proof the service for the direction of government policy. The preferred option will be seek solutions that are delivered by local suppliers and local social and community enterprises.

Section 2 – Report

1. Introduction

1.1. Having already delivered two successful change programmes in Special Needs Transport Services over the last 3 years and saved between them over £1million in annual costs, a third programme, Special Needs Transport 3 or 'SNT3' is set-out to deliver a further saving of £540k.

1.2. The SNT3 Programme, has 10 complementary workstreams, which together will deliver the £540k savings target in 2014/15 as required by the MTFS for the year 2014/15. At the end of the 3 years, the programme will provide a sustainable saving of approximately £1.06m.

1.3. These significant savings will be achieved whilst increasing the independence of service users, lowering carbon emissions, improving delivery processes and safeguarding the provision of transport for children and young adults.

1.4. Within the programme's 10 workstreams, there are three main elements of activity; (1) Demand Management, (2) Current Cost-Control & (3) Future Cost-Control.

1.5. The outcome of the SNT3 Programme will be to preserve access to services, to increase the range of services available to transport recipients and in doing so improve the life experiences of learners that are receiving transport assistance.

1.6. The workstreams achieve more users travelling independently, lower costs in delivering the current transport operation and greater flexibility with lower costs for all future provision.

1.7. The most significant costs, savings and risks within the SNT3 programme, are within the third element, Future Cost-Control, which will require engagement with the market and Harrow Council moving from a provider of services to a commissioner of services.

1.8. Where services are transferred to external suppliers, Harrow Council will work to stimulate innovation and inclusion of Harrow's social enterprises, charities and small scale private service providers.

1.9. Using local, small scale community and social providers, will provide on-going employment opportunities for staff, create favourable conditions to stimulate innovation, maintain an element of competition and create resilience and capacity within the wider supply chain.

1.10. This will require breaking leases with the current vehicle provider, Fraikin Ltd, and commencing new service contracts with local social enterprises and small business.

2. Background

2.1. Harrow Council has a Statutory duty to provide transport assistance to 'eligible' children and young adults. An eligible child defined in Schedule 35B of the Education Act 1996 and include Children who attend schools beyond the statutory walking distance, Children with SEN, disabilities or mobility problems, Children whose route to school is unsafe and Children from low income families and so could be broadly described as someone for whom the use of standard modes of transport would be inappropriate due to their physical or emotional needs. An 'eligible' adult is 'an adult who is aged under 25 and is subject to a learning difficulty assessment.'

2.2. s508B of the same Act says that the LA must make such travel arrangements as they consider necessary 'in order to secure that suitable home to school travel arrangements for the purpose of facilitating the child's attendance at the relevant educational establishment...are made'

2.3. The future direction of Government Policy for Special Education and Transport is towards a greater level of customer choice and involvement. This could

go as far as a potential move towards the use of personal budgets for either education or transport or both elements, which could pose a significant financial risk to a mainly in house service. The design of the SNT3 programme creates more flexibility in the delivery of transport which will help mitigate risk, as well as creating choice.

2.4. In Harrow, there are 515 children and young adults who are given transport assistance to and from school or college. Transport is arranged for service users in what are called 'routes'. These routes range from 8-10 children transported in a Council minibus to one or more children transported in a private taxi.

2.5. Currently Harrow uses a fleet of 70 mini-buses to transport the children, operated by 154 staff, that are employed part-time, term-time only, to deliver the significant proportion of the Children's Special Transport Service.

2.6. The Adults element of the service caters for 350 users, with 14 mini-buses, and in the region of 35 full-time staff on more standard work and leave contracts.

2.7. All special needs transport (for Children and Adults) is managed by a single team of 10 staff (8.4 FTE) who between them manage the delivery of both services and the large workforce.

2.8. 20% of the current 'routes' are provided by local small business, social enterprises and local taxi firms. These have already been re-procured within the SNT3 programme using a newly established Transport Procurement Framework

2.9. The SNT3 programme will extend this strategy further, using more local, small scale private, community and social providers, creating a mixed approach to supply, a choice of providers for commissioners of services and a competitive element within the market.

2.10. Initial impact analysis of the re-tendering through the framework is forecasting a £115k reduction in overall costs, which is a 20% reduction from the previous spend. This serves as an indication of where well designed and well managed buying can reduce costs, even where already savings have been made.

The SNT3 Programme: Demand Management

2.11. As mentioned above, the SNT3 programme has three elements and 10 workstreams. The first of the three elements is 'demand management' which includes the following three work streams:

- 2.11.1. Eligibility Policy Refresh
- 2.11.2. Independent Travel Training (ITT)
- 2.11.3. Direct Transport Payments (DTP).

2.12. In summary, these were all trialled within SNT2 and all aim to offer new services to users, more flexible solutions, reduce the overall demand and cost of transport and to increase the life-long independence of service users

2.13. The policy refresh applies to services provided to those attending education placements and is designed firstly to give council support to the new forms of service

that will be mainstreamed within the programme. Eligibility for transport services to adults as part of community care services will not be affected. The refresh and re-determining of the policy may mean some children and young adults falling out of eligibility. The results of the policy consultation will be considered in the final policy drafting and brought back to Cabinet to provide information on the comments received and to make a decision on the formal adoption of a new policy..

2.14. Consultation on the policy will be with parents/carers of children, children and young adults attending education institutions, schools and representative groups. We will be asking service users questions regarding the use of alternative providers, the introduction of ITT and DTP, eligibility for those attending education placements and potentially the tightening of allocation for some users.

The SNT3 Programme: Current Cost Control

2.15. The Current Cost Control element includes the following six work streams:

- 2.15.1. Fraikin Supplier Relationship Development (SRD)
- 2.15.2. Identifying new providers for short-term hire
- 2.15.3. Invitations to all schools to become transport providers
- 2.15.4. A LEAN review of the Transport Services Processes
- 2.15.5. Re-tendering of the 20% of external routes (complete)
- 2.15.6. A focus on sickness absence from the outcomes of the LEAN project

2.16. All of the workstreams in Current Cost Control are attached to costs that can be reduced relatively quickly. For instance the Fraikin SRD work is already providing benefits, such as faster response times and spare vehicles provided free of charge. A new deal on spot-hire vehicles will be complete in March 2013. The re-tendering work for taxis is already complete and making positive budget impacts.

The SNT3 Programme: Future Cost Control

2.17. The Future Cost Control workstream is centred around a three year programme of market engagement and increasing the number of routes delivered by local suppliers including third sector and community organisations and small local business. This element of the programme is known as:

- 2.17.1. Strategic Market Engagement

2.18. A survey of 11 London Boroughs completed in January 2013, showed that 6 of the authorities had all transport provided externally (Lambeth, Haringey, Ealing, Croydon, Waltham Forest, Kingston), Brent are 90% external, Hounslow & Enfield ~60% external, Enfield split internal/external, Harrow & Lewisham are provided in-house except for the 20% taxi and smaller vehicle provision.

2.19. Within the boroughs that have services provided externally, there is a great variation in approach. For instance, two authorities have a single contract for the whole of the provision, one with a strategic partner that is profit driven, another with a Community Transport Group, others largely have two or more providers, particularly those that have been included in recent framework procurement activity where 3-5 providers is the normal range.

2.20. Having a balance of providers, creates opportunities for all types of suppliers to grow at a suitable pace, to take part in the market to the scale that suits them and to use the strengths of their individual organisations when bidding for work.

2.21. Keeping the number of providers higher, increases the stimulation to innovate, keeps costs low to the authorities and allows authority commissioners to both place contracts with the best-placed providers and avoid suppliers who cannot meet our quality criteria. Whilst maintaining the supply of core transport services, there will inevitably be an impact on delivery standards through reducing costs. These will be carefully managed and suppliers that fail to provide services to the required standard will have contracts put at risk or cancelled.

2.22. To further ensure there is a ready-supply of local, small and social providers with the capacity and capability to provide services to the required standard, the framework will be refreshed in 2014.

2.23. Refreshing the framework will re-open the supply of services to the full market, this gives the Council the ability to work with small business and social enterprises to further develop the market, to stimulate innovation and to improve the overall standard of delivery.

2.24. This activity is planned to commence in May 2013. This time-scale gives a long lead-in period which will favour those social and private organisations seeking to grow slowly, to make sure they are prepared for taking on new services and to ensure that our approach is broad in attracting a range organisations.

2.25. Two rounds of soft market testing have been completed to model potential savings from market engagement. The first with providers that are registered on the West London Alliance framework, which has provided real pricing for potential work, the second comparing Barnet procured routes (without escorts) with the Harrow current routes (taking account of escorts). These have shown a typical price reduction of around 30% from current costs to external costs.

2.26. Phasing provides additional opportunities for refreshing the suppliers within the framework and to work with suppliers to maintain and improve service delivery standards. A three year roll-out gives time for the management team to design and refine their contract management practices. Finally, the three year time-frame gives time to down-scale the fleet without flooding the market and choosing the timing and management of vehicle disposals.

2.27. *It is the intention of this Programme to offer a greater number of routes to local, social and private external suppliers. Over a period of three years the service will shift from being 20% externalised to towards 100%, allowing more freedom for Harrow Council and shifting to a commissioning model.*

2.28. *This will require cancelling leases with the vehicle provider (Fraikin) and designing a new client management team.*

2.29. *These are all factored into the SNT3 Programme workstreams and into the costings that form the business case.*

2.30. Cost-saving forecasts for this work stream, include the cost of buying-out of the current Fraikin leases which would be necessary to move to a commissioned service model.

The SNT3 Programme: Costs & Benefits

2.31. The benefits and costs of the full programme are shown in the table below. The aim of the SNT3 programme, is to meet the £540k MTFS savings target for 2014/15 and take account of the requirements of other budget pressures from previous programmes and changes in grant levels.

	2013/14 (Net Saving) / Net Cost £	2014/15 (Net Saving) /Net Cost £	2015/16 (Net Saving) /Net Cost £	2016/17 (Net Saving) /Net Cost £	2017/18 (Net Saving) /Net Cost £	Total (Net Saving) /Net Cost £
Medium Term Financial Strategy (MTFS) Savings	(56,000)	(641,000)	(641,000)	(641,000)	(641,000)	(2,620,000)
Medium Term Financial Strategy (MTFS) Costs*	495,852	207,870	81,388			785,110
Further anticipated budget pressures that need to be managed through SNT 3	(26,500)	(53,000)	(141,000)	(229,000)	(229,000)	(678,500)
Net MTFS Position	413,352	(486,130)	(700,612)	(870,000)	(870,000)	(2,513,390)
SNT 3 Forecast (Savings)	(307,485)	(773,822)	(987,863)	(1,062,328)	(1,062,328)	(4,193,825)
Implementation Costs						
Project Costs	52,000					52,000
Potential redundancies/severance (if applicable)	443,852	207,870	81,388	0	0	733,110
Vehicle lease termination costs	211,409	165,023	89,317			465,749
Total Delivery Costs	707,262	372,893	170,705	0	0	1,250,859
SNT3 Net (Savings)/Costs	399,777	(400,929)	(817,159)	(1,062,328)	(1,062,328)	(2,942,966)
(Over)/under delivery of MTFS Savings	(13,575)	85,201	(116,547)	(192,328)	(192,328)	(429,576)

** project costs included in MTFS growth and redundancy/severance costs (if applicable) considered as part of corporate provision for redundancy*

2.32. The programme will save £773k in the target year 2014/15, with costs of £373k, delivering a net saving of £400k. By the last year of the programme (2016/17), the full year effect of the three phases of work will deliver savings of £1.062m.

2.33. During the 5 year period there will be total savings of £4.2m, against total costs of £1.25m, delivering a net saving of £2.9m over 5 years.

2.34. As mentioned above, the final full-year effect is a saving of £1,061m, forecast to be delivered in 2016/17. The MTFS position requires a saving of £641k, SNT 3 therefore is forecast to over-deliver by £421k, this will manage the additional

requirements of anticipated budget pressures of £229k in that year, leaving a net budget position of £192k surplus.

2.35. The phasing and over-delivery allows a level of flex to manage any potential risks of quality in delivery and price sustainability.

3. Staffing Implications

3.1. Where there is a service provision transfer then The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) will operate to transfer in scope employees to a new provider. All of the Council's rights, powers, duties, and liabilities (except criminal liabilities) under or in connection with the contracts of employment of the relevant staff will transfer. There are current Government proposals to amend the TUPE regulations, which could be implemented during the course of this programme.

3.2. The number of staff employed in connection with the service is approximately 200, which includes a high number of part time, term time only staff. 10 staff manage the delivery of the operation and large workforce.

3.3. Where any change results in a TUPE transfer the Council will meet all of its statutory obligations provided by TUPE. Under TUPE, existing contractual terms and conditions are protected on transfer. In addition the Council has a protocol for managing organisational change, which includes consultation and union engagement.

3.4. The full programme will be delivered over three years, which gives time to the staff affected by the change programme to adapt to the proposals and consider the options available.

3.5. Whilst TUPE applies by operation of law, it is possible that circumstances could arise where it would be in the interests of the Council to consider a voluntary severance or redundancy scheme. If this situation arises a separate report to Cabinet would be made.

4. Legal Implications

4.1. Under the Education Act 1996 local authorities have statutory duties to provide transport to 'eligible' children and young adults to educational establishments in specified circumstances. There is an element of discretion contained within these duties.

4.2. Any change to Harrow's eligibility policy, which sets out how it will exercise its discretion, must take account of any consultation responses, government guidance and equality issues. This will be particularly relevant if any child or young adult who was previously receiving a service will no longer be eligible. The results of the consultation and equality implications will be included in a future report on approval of the new eligibility policy.

4.3. In procuring and awarding contracts, the Council will comply with EU procurement rules and its own contract procedure rules.

5. Financial Implications

5.1. The budget for Children's Special Needs Transport in 2012/13 totals £3.34m.

5.2. Since 2009/10 the service has already delivered significant savings through improved efficiency and by reducing demand for the service; a further reduction of £101,000 from these programmes is still to be delivered in the 2013/14 MTFS. More significantly the service is tasked with delivering additional savings of £540,000 in 2014/15. Following these reductions (totalling £641k) the service is left with a net council budget in 2014/15 of only £2.7m, a 32% reduction since 2009/10. Given the scale of the savings already delivered these further budget reductions require transformational change to the service's operating model.

5.3. The work streams included in SNT3, when fully implemented look to deliver savings totalling £1,062k. In addition to meeting the MTFS budget reductions of £641k it will also meet the anticipated cessation of the Dept of Transport's Bus Services Operating Grant and provides for the loss of internal income for the courier service and from school buyback, totalling £229k.

5.4. The majority of the savings, £877k, are delivered by transferring the service to external providers. This projection is based on extensive soft market testing and benchmarking with neighbouring boroughs through the WLA, which should mitigate the risk that the market will not deliver this scale of savings. The soft market testing did not include the potential effect of staff transferring under TUPE, as the precise effect could not be identified and as such the level of savings could not take account of this. When tendering for services, providers will have to take account of potential TUPE transferring staff. However, the costs of potential redundancies/severance (if offered) have been included in the implementation costs.

5.5. The proposals require the termination of the vehicle lease agreements, which will incur termination costs. The extent of the termination payments will depend on resale values however the business case includes a prudent estimate of £466k over the 3 years 2013/14 to 2015/16.

5.6. Based on these forecasts there is a slight under delivery of saving in 2014/15 of £85k, this is more than off-set by projected on-going over delivery of £192k.

6. Performance Issues

6.1. Each of the new services introduced in the SNT3 Programme will have either Service Level Agreements in-place or contracts that set-out the required standards.

6.2. Performance of each of the services will be measured and managed against the standards set-out in the agreements and contracts.

6.3. There is a specific work-stream within the programme to identify the contract management needs of an increasingly commissioned service and to ensure that the right resources with sufficient skills are targeted towards the effective management of all new arrangements

6.4. Lessons learned in the Highway tender have been adopted within this programme to ensure there are effective mechanisms in-place for Councillor involvement in the procurement process and in the ongoing management of contractors.

6.5. Any customer complaints will be managed in the same way as they are currently managed. Contractors will be asked to show how customer feedback is being captured

6.6. Ensuring providers perform adequately and deliver services in accordance to contract specification is the principal reason for the LEAN review. The requirements of an increasingly commissioned service will be factored into the review to make sure the client team is appropriately staffed and trained, well ahead of the time when the team will be needed

6.7. The changes proposed under the programme do not have any impact on national indicators.

7. Environmental Impact

7.1. Harrow Council is fulfilling its duty to promote sustainable modes of transport in offering a broader package of services including Independent Travel Training.

7.2. If the Independent Travel Training service is successful, there will be a decreased demand for Harrow arranged and dedicated transport, with a corresponding increase in children and young adults using public transport. This will reduce local transport emissions and have the knock-on effect of those trained having a greater confidence and desire to use public transport outside of 'home to school' transport.

7.3. The greater use of personal budgets for transport may cause some displacement into private cars.

7.4. Any new providers that are applying to work for Harrow through the three phases of strategic market engagement, will be required to demonstrate how they comply with and support the Council's Sustainable Procurement Policy and where minibuses are used will have to report to the Council on their fuel usage.

7.5. Their responses to sustainability requirements will form part of the decision-making around supplier selection and supplier management. They will, therefore, have to demonstrate a real and measurable commitment to minimising environmental impacts and generating local "social value" in order to join the procurement framework.

7.6. Local Social Enterprises, small and medium sized private providers are the target market for procurement activity. Local small scale providers will have time and support to develop with the free and fair opportunity to compete for places on the procurement framework.

7.7. Where transport operators provide services, currently carried out in-house, the suppliers will need to report fuel use to the Council to enable carbon emission totals to continue to be reported by the Council.

8. Risk Management Implications

8.1. There is an up to date full risk register is kept by the Programme Manager. Strategic Risks are managed by the relevant boards, less significant risks managed by the Programme Manager.

8.2. The outputs of a risk workshop is the basis for the risk register and further risk workshops are completed quarterly to update and refresh the view of risk.

8.3. The Programme as a whole is 'managed by exception' and reports on this basis to three boards, the SNT3 Programme Board, the Children & Families Programme Board and the Corporate Transformation 2 Board through VERTO.

8.4. Issues and changes in risks are highlighted to the appropriate boards with requests for decisions or actions.

9. Equalities implications

9.1. The public sector equality duty under section 149 of the Equality Act 2010 provides:

“(1) A public authority must, in the exercise of its functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. A full equality impact assessment was carried out and is attached to this report. As part of the procurement, robust equality requirements will be included within the specification and these will be part of the supplier selection decision-making process.

9.3. There was also a potential adverse impact in relation to users not having continuity of driver. A mitigating measure is to include in the tender a requirement to seek to ensure continuity of driver where possible and to give advance notice of the change of provider to all users. One of the consequences of the proposed changes is to offer alternative travel options, including independent travel training and use of personal budgets to secure transport. This may have a positive impact on disabled service users.

9.4. The assessment highlighted that there was a potential adverse impact in relation to age for staff, as nearly half the employees affected are age 60 or over. Whether the impact of the changes are positive or negative will depend on individual staff circumstances. Mitigation measures include compliance with the protocol for managing change, which is mentioned in the staffing implications section.

9.5. A further EQIA will be completed following consultation on the new draft policy and the results of this will be fed back in a further report to Cabinet.

10. Corporate Priorities

10.1. Please identify which corporate priority the report incorporates and how:

10.1.1. Keeping neighbourhoods clean, green & safe.

There will be a net decrease in the amount of council provided transport and an increase in the use of already operating sustainable modes of transport.

10.1.2. United and involved communities: A Council that listens and leads.

There are currently transport users that receive transport that would prefer to be travel-trained and use transport more independently. In providing a transport service, the Council is responding to a current demand for travel training.

In mainstreaming Direct Transport Payments, there will be a greater choice for customers in how they travel and the potential for arranging their own transport.

10.1.3. Supporting and protecting people who are most in need

The SNT3 Programme offers a continuous access to transport for dependent children and young adults. This will be achieved whilst delivering savings. Having a mix of future providers will stimulate customer quality focus, innovation and provider cost-consciousness.

10.1.4. Supporting our town centre, our local shopping centres and businesses.

The service will offer social enterprises and local small scale businesses based in Harrow the opportunity to become first tier suppliers to the Council through the procurement framework, and to become second tier suppliers by requiring all providers to make their supply and sub-contracting opportunities available to local businesses.

Section 3 - Statutory Officer Clearance

Name: Patricia Harvey	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 4 April 2013		
Name: Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 4 April 2013		

Section 4 – Performance Officer Clearance

Name: David Harrington	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Strategic Commissioning
Date: 4 April 2013		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker	<input checked="" type="checkbox"/>	on behalf of the Divisional Director (Environmental Services)
Date: 5 April 2013		

Section 6 - Contact Details and Background Papers

Contact: Ben Sellar-Moore, Programme Manager
Tel: 020 8424 8218 (Int Extn: 8218)

Background Papers:

Special Needs Transport 3 – Full Business Case

**Call-In Waived by the
Chairman of Overview
and Scrutiny Committee**

NOT APPLICABLE

[Call-in applies]

TEMPLATE 2 - Full Equality Impact Assessment (EqIA)

In order to carry out this assessment, it is important that you have completed the EqIA E-learning Module and read the Corporate Guidelines on EqIAs. Please refer to these to assist you in completing this form and assessment.

What are the proposals being assessed? (Note: 'proposal' includes a new policy, policy review, service review, function, strategy, project, procedure, restructure)	SNT3 Programme: (1) refreshed policy (2) introduction of new services (3) shifting towards being a commissioned service through externalisation
Which Directorate / Service has responsibility for this?	Children's & Families Services
Name and job title of lead officer	Roger Rickman
Name & contact details of the other persons involved in the EqIA:	Ben Sellar-Moore (8218: ben.sellar-moore@harrow.gov.uk)
Date of assessment:	25 th February 2013

Page 1: Overview

What are the aims, objectives, and desired outcomes of your proposals? (Explain proposals e.g. reduction / removal of service, deletion of posts, changing criteria etc)	<p><i>Aims are: more independent travelling & use of personal budgets, clarity in new policy, more robust management of Fraikin, delivery of the LEAN project & new processes, reduced work-force absence, greater percentage of transport delivered by external providers</i></p>
2. What factors / forces could prevent you from achieving these aims, objectives and outcomes?	<p>The strategic risks are as follows:</p> <ol style="list-style-type: none"> 5. Back-dated claim from Fraikin not received 10. LEAN#1 Low number of LEAN opportunities identified 11. LEAN#2 Client Model not established 12. Absence project doesn't launch due to lack of scope 13. Fraikin buy-out more expensive than modelled 14. Contracts more costly than expected due to a high % of TUPE transfers 15. Contractors unable to maintain quality in delivery

<p>3. Who are the customers? Who will be affected by this proposal? For example who are the external/internal customers, communities, partners, stakeholders, the workforce etc.</p>	<p>Customers: Children receiving transport Affected stakeholders: Staff, suppliers, parents & carers, schools, transport planning team, SENARS team</p>
<p>4. Is the responsibility shared with another department, authority or organisation? If so:</p> <ul style="list-style-type: none"> • Who are the partners? • Who has the overall responsibility? 	<p>- Currently 20% outsourced, client & operational delivery by one team (Transport Planning Team) - Project will move to 100% commissioned over 3 years</p>
<p>4a. How are/will they be involved in this assessment?</p>	<p>- Staff will be consulted within the delivery phase. The Transport Team have chosen the ordering of the routes to be offered to the market, will be involved in the LEAN review & will become the client team</p>
<p>Stage 2: Monitoring / Collecting Evidence / Data</p>	
<p>4 What information is available to assess the impact of your proposals? Include the actual data, statistics and evidence (including full references) viewed to determine the potential impact on each equality group (protected characteristic). This can include results from consultations and the involvement tracker, customer satisfaction surveys, focus groups, research interviews, staff surveys, workforce profiles, service users profiles, local and national research, evaluations etc</p> <p>(Where possible include data on the nine protected characteristics. Where you have gaps, you may need to include this as an action to address in the action plan)</p>	
<p>Age (including carers of young/older people)</p>	<p>500 service user customers aged 5 – 25 Staff age profile 3% 70+, 43% 60+, 35% 50+, 11% 40+, 8% <39.</p>
<p>Disability (including carers of disabled people)</p>	<p>All customers have a physical or learning difficulty, ages range from 5 to 25. 6 staff are known to have disabilities</p>

Gender Reassignment	No known impact			
Marriage / Civil Partnership	No known impact			
Pregnancy and Maternity	No known impact			
Race	No known impact			
Religion and Belief	No known impact			
Sex / Gender	More male customers than Female Most drivers are Male, most escorts are Female			
Sexual Orientation	No known impact			
6. Is there any other (local, regional, national research, reports, media) data sources that can inform this assessment?		There is likely to be a growth in SEN children & young adults according to demographic projections.		
75	clude this data (facts, figures, evidence, key findings) in this section.			
7. Have you undertaken any consultation on your proposals? (this may include consultation with staff, members, unions, community / voluntary groups, stakeholders, residents and service users)			Yes	No
<p>NOTE: If you have not undertaken any consultation as yet, you should consider whether you need to. For example, if you have insufficient data/information for any of the protected characteristics and you are unable to assess the potential impact, you may want to consult with them on your proposals as how they will affect them. Any proposed consultation needs to be completed before progressing with the rest of the EqIA. Guidance on consultation/community involvement toolkit can be accessed via the link below http://harrowhub/info/200195/consultation/169/community_involvement_toolkit</p>				

(1) Who was consulted?	What consultation methods were used?	What do the results show about the impact on different equality groups (protected characteristics)?	What action are you going to take as a result of the consultation? This may include revising your proposals, steps to mitigate any adverse impact. (Also include these in the Improvement Action Plan at Stage 5)
(1) Head Teachers of special schools	Face to face meetings	No impact on particular groups other than disabled customers from policy consultation	<p>(1) ensure that suppliers meet quality objectives</p> <p>(2) ensure parents agree any new independent travel arrangements</p> <p>(3) <u>consult with target audience in policy refresh & new services through school involvement</u></p>
(2) Team Manager: Transport Team	Face to face meetings	Certain customers would prefer continuity in drivers & escorts, Team input is essential in specifying contracts, roles & work tasks. Involve Trade Unions in staff consultation phase.	<p>(1) ensure that suppliers meet contractual quality objectives</p> <p>(2) ensure the transport team lead the appropriate work-streams (LEAN, Absence, Market Engagement, ITT, DTP)</p> <p>(3) Involve Unions in staff consultation</p>
(3) Team Manager: SENARS	Face to face meetings	Some SEN parents & carers receive a direct payment, other may like the option. Clients of Special Transport prefer consistency in transport provision.	<p>(1) continue to develop a DTP option</p> <p>(2) request that suppliers seek consistency in provision</p>

<p>(4) Parents & Carers: Shaftesbury School</p>	<p>Parents evening presentation</p>	<p>Children would prefer to be trained by people they know, parents will have to have the ability to stop training or not go ahead with independent travel after training</p>	<p>(1) continue to develop ITT offer (2) make sure parents are in control of training and travel arrangements</p>
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Stage 3: Assessing Impact and Analysis

8. What does your information tell you about the impact on different groups? Consider whether the evidence shows potential for differential impact, if so state whether this is an adverse or positive impact? How likely is this to happen? How you will mitigate/remove any adverse impact?

Protected Characteristic	Positive	Adverse	Explain what this impact is, how likely it is to happen and the extent of impact if it was to occur.	What measures can you take to eliminate or reduce the adverse impact(s)? E.g. consultation, research, implement equality monitoring etc (Also include these in the Improvement Action Plan at Stage 5)
Age (including carers of young/older people)	Yes	Yes	- Positive/Negative: 45% of staff are 60 or over - Definite change & potential redundancy could be either positive or negative depending on personal circumstances	- Project phased over 3 years, giving staff the opportunity to consider impact and options - Transfer through TUPE rights
Disability (including carers of disabled people)	Yes	Small	- Greater number of independent travellers - Changed transport provider & staff	- safety training before commencement - seek staff continuity in provider contracts - give notice of change to transport users
Gender	No	No		
Marriage and Civil Partnership	No	No		
Pregnancy and Maternity	No	No		
Race	No	No		
Religion or Belief	No	No		
Sex	No	No	- Definite change & potential redundancy could be either positive or negative depending on personal circumstances	- Project phased over 3 years, giving staff the opportunity to consider impact and options - Transfer through TUPE rights
Sexual Orientation	No	No		

Other (please state)	No	No	
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<p>9. Cumulative impact – Are you aware of any cumulative impact? For example, when conducting a major review of services. This would mean ensuring that you have sufficient relevant information to understand the cumulative effect of all of the decisions.</p> <p>Example: A local authority is making changes to four different policies. These are funding and delivering social care, day care, and respite for carers and community transport. Small changes in each of these policies may disadvantage disabled people, but the cumulative effect of changes to these areas could have a significant effect on disabled people's participation in public life. The actual and potential effect on equality of all these proposals, and appropriate mitigating measures, will need to be considered to ensure that inequalities between different equality groups, particularly in this instance for disabled people, have been identified and do not continue or widen. This may include making a decision to spread the effects of the policy elsewhere to lessen the concentration in any one area.</p>	
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10. How do your proposals contribute towards the requirements of the Public Sector Equality Duty (PSED), which requires the Council to have due regard to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different groups.
(Include all the positive actions of your proposals, for example literature will be available in large print, Braille and community languages, flexible working hours for parents/carers, IT equipment will be DDA compliant etc)

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010	Advance equality of opportunity between people from different groups	Foster good relations between people from different groups	Are there any actions you can take to meet the PSED requirements? <i>(List these here and include them in the Improvement Action Plan at Stage 5)</i>
<i>All client needs continue to be met, staff are given options for their future employment</i>	<i>All staff supported in change management processes</i>	<i>Client, parent & carer needs met by proposals</i>	<i>Providing support to staff, providing new services for clients, meeting the needs of clients</i>

11. Is there any evidence or concern that your proposals may result in a protected group being disadvantaged (please refer to the Corporate guidelines for guidance on the definitions of discrimination, harassment and victimisation and other prohibited conduct under the Equality Act)?

	Age (including carers)	Disability (including carers)	Gender Reassignment	Marriage and Civil Partnership	Pregnancy and Maternity	Race	Religion and Belief	Sex	Sexual Orientation
Yes	<i>Potential</i>								
No		<i>Positive</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

If you have answered "yes" to any of the above, set out what justification there may be for this in Q12a below - link this to the aims of the proposal and whether the disadvantage is proportionate to the need to meet these aims. (You are encouraged to seek legal advice, if you are concerned that the proposal may breach the equality legislation or you are unsure whether there is objective justification for the proposal)

If the analysis shows the potential for serious adverse impact or disadvantage (or potential discrimination) but you have identified a potential justification for this, this information must be presented to the decision maker for a final decision to be made on whether the disadvantage is proportionate to achieve the aims of the proposal.

If there are adverse effects that are not justified and cannot be mitigated, you should not proceed with the proposal. (select outcome 4)

If the analysis shows unlawful conduct under the equalities legislation, you should not proceed with the proposal. (select outcome 4)	
Stage 4: Decision	
12. Please indicate which of the following statements best describes the outcome of your EqIA (tick one box only)	
Outcome 1 – No change required: when the EqIA has not identified any potential for unlawful conduct or adverse impact and all opportunities to enhance equality are being addressed.	
Outcome 2 – Minor adjustments to remove / mitigate adverse impact or enhance equality have been identified by the EqIA. <i>List the actions you propose to take to address this in the Improvement Action Plan at Stage 5</i>	Yes
Outcome 3 – Continue with proposals despite having identified potential for adverse impact or missed opportunities to enhance equality. In this case, the justification needs to be included in the EqIA and should be in line with the PSED to have ‘due regard’. In some cases, compelling reasons will be needed. You should also consider whether there are sufficient plans to reduce the adverse impact and/or plans to monitor the impact. (explain this in 12a below)	
Outcome 4 – Stop and rethink: when there is potential for serious adverse impact or disadvantage to one or more protected groups. (You are encouraged to seek Legal Advice about the potential for unlawful conduct under equalities legislation)	
12a. If your EqIA is assessed as outcome 3 or have ticked ‘yes’ in Q11 , explain your justification with full reasoning to continue with your proposals.	There will be impacts on the work force from the proposals. Staff may transfer to new suppliers under TUPE. Some staff may be made redundant, where redundancy is likely, staff will be considered for redeployment. The Protocol for Managing Organisational Change will be adhered to throughout the programme.

Stage 5: Making Adjustments (Improvement Action Plan)

13. List below any actions you plan to take as a result of this impact assessment. This should include any actions identified throughout the EqIA.

Area of potential adverse/positive impact	Action proposed	Desired Outcome	Target Date	Lead Officer	Progress
Age (adverse)	- Providing support to staff	Making staff aware of options & able to select the right option for them	April to June 2013	BSM	Design of staff consultation process
sability ositive)	- Offering new ITT service - Offering new DTP service - Seeking consistency in delivery from external providers	Achieving required savings whilst giving more choice, more independence & delivering assurance of supply for client group	ITT: June DTP: June Contracts: Nov	BSM	Programme design starts at first principles of customers needs & desired outcome

Stage 6 - Monitoring

The full impact of the decision may only be known after the proposals have been implemented, it is therefore important to ensure effective monitoring measures are in place to assess the impact.

14. How will you monitor the impact of the proposals once they have been implemented? How often will you do this? (Also Include in Improvement Action Plan at Stage 5)	- Performance monitoring the ITT & transport contracts - Profiling staff impact	
15. Do you currently monitor this function / service? Do you know who your service users are?	Yes	No

<p>16. What monitoring measures need to be introduced to ensure effective monitoring of your proposals? <i>(Also Include in Improvement Action Plan at Stage 5)</i></p>	<ul style="list-style-type: none"> - <i>Profiling staff impact</i> - <i>Contract management processes</i> - <i>Monitor client profile</i>
<p>17. How will the results of any monitoring be analysed, reported and publicised? <i>(Also Include in Improvement Action Plan at Stage 5)</i></p>	<ul style="list-style-type: none"> - <i>Reported to Programme Board whilst operational</i> - <i>Reporting to commissioning/client team when operational</i>
<p>18. Have you received any complaints or compliments about the policy, service, function, project or proposals being assessed? If so, provide details.</p>	<ul style="list-style-type: none"> - <i>No</i>
<p>Stage 7 – Reporting outcomes The completed EqIA must be attached to all committee reports and a summary of the key findings included in the relevant section within them. EqIA's will also be published on the Council's website and made available to members of the public on request.</p>	
<p>19. Summary of the assessment</p> <p>NOTE: This section can also be used in your reports, however you must ensure the full EqIA is available as a background paper for the decision makers (Cabinet, Overview and Scrutiny, CSB etc)</p> <p>What are the key impacts – both adverse and positive? Are there any particular groups affected more than others? Do you suggest proceeding with your proposals although an adverse impact has been identified? If yes, what are your justifications for this? What course of action are you advising as a result of this EqIA?</p>	<ul style="list-style-type: none"> - <i>Potential positive impact on client group through new services</i> - <i>Need for seeking consistency in supply from new providers</i> - <i>Potential negative effect on the workforce that has an older than average age-profile</i>
<p>20. How will the impact assessment be publicised? E.g. Council website, intranet, forums, groups etc</p>	<ul style="list-style-type: none"> - <i>Attached to Cabinet Report & published on intranet</i>
<p>Stage 8 - Organisational sign Off (to be completed by Chair of Departmental Equalities Task Group) The completed EqIA needs to be sent to the chair of your Departmental Equalities Task Group (DETG) to be signed off.</p>	

<p>21. Which group or committee considered, reviewed and agreed the EqIA and the Improvement Action Plan?</p>	<p>- Members of the Children's Services EQIA Quality Assurance group</p>		
<p>Signed: (Lead officer completing EqIA)</p>		<p>Signed: (Chair of DETG)</p>	<p>Richard Segalov</p>
<p>Date:</p>		<p>Date:</p>	<p>4 April 2013</p>

Submission by the Corporate Director of Children and Families

Special Needs Transport 3 Call-in report supporting information

Inadequate consultation with stakeholders prior to the decision:

Consultation to date

Prior to the decision of Cabinet on 11 April 2013, there had been consultation with the trade unions and staff, details of which are set out below. However, it is accepted that the report did not contain details of this consultation or any responses received. This detail is included in this appendix and Cabinet are requested to consider it when deciding whether to confirm its decision of 11 April 2013.

Unions: Discussions with Unions during the research phase were held at the Children and Families DJC where the possibility of further externalisation was referred to on 15th May & 10th July 2012.

The programme proposals were then confirmed and discussed with Unions again on 19th March 2013. At this meeting it was made clear that externalisation was the option being pursued. The union representative confirmed that the union would consider submitting a response. It is understood that a letter was sent direct to the Leader asking for reconsideration but no alternative proposals were submitted for consideration.

Staff: The programme has been developed with members of the special needs transport management team who work closely with their staff and have been integral board members. Their input has been vital in shaping the overall approach.

A meeting with the whole of the management team was held on 21st November 2012 and on 20th March 2013, when proposals were discussed.

The whole workforce were written to on 20th March inviting them to one of two all-staff meetings held on the 28th March at times of the day intended to best accommodate peoples availability. These sessions were attended by approximately 40% of the staff.

Questions and views arising from these meetings included the following:

- the possibility of an in-house option
- the possibility of offering a lower level of service at a cheaper cost
- concern about loss of the 'hidden values' of the in-house service
- questions around the use of local providers
- the West London Alliance proposal
- what steps the Council was taking to increase its grant from central government
- where the savings come from with the use of external suppliers
- whether the staff profile was considered in the EqIA
- whether there are further savings by managing the vehicle supplier more effectively
- what trade union consultation had taken place

- the risk of a fragmented TUPE process
- whether voluntary severance, redundancy or redeployment was a possibility
- whether the proposals incorporate escorts
- how contracts will be managed
- why some parents do not pay for transport

It was planned to give written responses to these questions after the Cabinet decision, although this was put on hold following the call-in of the decision.

In response to some of the points raised above, alternative options around changes to the in-house service have been considered previously but the running cost of the service and the long term vehicle leases mean that high levels of savings are not possible. The West London Alliance proposal to have a single transport hub was trialled in September 2012 and plans are on hold as the arrangements cannot demonstrate sufficient reliability and overall benefits to Harrow Council service users. Many of the questions raise issues that are relevant for consideration during the transition and implementation phases of any proposed externalisation.

Future Consultation

If agreement is given to the proposal to externalise the service in a phased way, the timetable incorporates a 2 month consultation phase to consider the detail of the proposal and its implementation. This, together with the earlier consultation, meets the requirements of the Council's agreed Protocol for Managing Organisational Change (PMOC). The PMOC has been developed with staff and unions and in adhering to the PMOC the programme is consistent and compliant with Council procedures.

This approach will also include the establishment of a partnership board that will include members of trade unions, staff and if possible service users or representatives.

Service users: The Cabinet report made it clear that service users would be consulted on the proposed new transport eligibility policy (section 2.13 & 2.14 of the Cabinet Report). We would also use this engagement opportunity to help ensure there is a smooth transition between providers and that new providers are appropriately ready and prepared to provide services (see section 11.19 of the Business Case, and section 2.13 & 2.14 of the Cabinet Report).

Recommendation

Given that trades unions and staff members have expressed significant interest in the key decision to externalise a greater percentage of the service, the recommendation is that Cabinet reconsider the key decision in September to allow fuller consultation with trades unions, staff and service users for the decision to be made with the benefit of the consultation responses.